



C A No. Applied For  
Complaint No. 41/2022

In the matter of:

Shahbuddin .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Imran Siddiqi, Mr. Prateek Pahwa & Ms. Shweta Chaudhary,  
On behalf of BYPL

ORDER

Date of Hearing: 05<sup>th</sup> May, 2022  
Date of Order: 10<sup>th</sup> May, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent has not released the new connection till date.

The complainant's grievance is that he is owner of flat no. 912, Right hand corner, S.F., Gali Chah Shirin, Farsh Khana, Delhi-110006 and purchased on 05.03.2019. The said building is old and constructed upto ground to fourth floor and all the flats in the building have electricity connection but only his flat has

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no electricity connection. He applied for new electricity meter on 05.08.2021 vide request no. 8005042094 and the height of the building is less than 15 meters, but respondent rejected his application for new connection on pretext of "fire clearance certificate is required and occupancy cum completion certificate is required." He submitted all the required documents. Therefore, he requested the Forum to direct the respondent for immediate release of new connection.

Notices were issued to both the parties to appear before the Forum on 28.03.2022.

The respondent in their reply stated that complainant applied for new electricity connection under domestic category vide application no. 8005042094 at 912, Right Hand Corner, SF, Gali Chah Shirin, Farsh Khana, Delhi-110006. It was also their submission that during site visit it was found that applied address of the complainant for which the new electricity connection is applied appearing in the objection list of EDMC. Therefore, occupancy cum completion certificate is required and also pending dues of CA No. 100262761 are also required to be cleared by the complainant.

The matter was listed for hearing on 28.03.2022, 04.04.2022, 20.04.2022 and 27.02.2022, when both the counsel of the complainant sought time for amicable settlement of the case.

The matter was finally heard on 05.05.2022, when arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present case is whether the connection can be released to the complainant or not.

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*[Signature]*

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We have gone through the submissions made by both the parties. From the narration of facts and material placed before we find that despite giving ample time to both the parties to provide Building Completion Certificate from EDMC. It also came to the knowledge of the Forum that due to merger of all MCD, they are facing problem in issuing Building Completion Certificate.

Electricity is essential requirement of livelihood and it is right of a person to enjoy the electricity because as it is decided by Himachal Pradesh High Court, in the matter of Madan Lal Vs State of Himachal Pradesh & Ors. Where it was stated that the right to water and electricity supply is an integral part of right to life under Article 21 of the Constitution of India.

Therefore, we direct


1. Respondent is directed to release the connections to the complainant on filing the Building Completion Certificate from EDMC and after fulfilling all the commercial formalities as per DERC Guidelines 2017.
2. Complainant is also directed to pay all the energy dues which is pending on the same premises as he admitted before the forum.
3. Respondent is further directed to waive off LPSC and also release the connection within one week's time after completion of all the required formalities by the complainant.

The case is disposed off.

No order as to the cost. Both the parties should be informed accordingly.

Proceedings closed.

  
(NISHAT AHMAD ALVI)  
MEMBER (CRM)

  
(VINAY SINGH)  
MEMBER (LAW)