



C A No. Applied For
Complaint No. 76/2023

In the matter of:

Shilpi JainComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 13th April, 2023
Date of Order: 18th April, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. Present complaint has been filed by Ms. Shilpi Jain, against BYPL-DRG.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Shilpi Jain applied for new electricity connection at premises no. 399, Chitli Gate, Chawari Bazar, Delhi-110006 vide application no. 8006112203, 8006112548, 8006113975, 8006112609.

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80061125592, 80026112391, 8006112513, 8006122402 & 8006112468 but respondent rejected her application for new connections on pretext of energy building clearance certificate required as premises are booked by MCD. She further added that she submitted all the required documents but OP has not release the connection till date.

3. The OP in their reply briefly stated that complainant is seeking nine fresh electricity connections for various floors of property bearing no. 399, Chitla Gate, Chawari Bazar, Delhi. The applied address was found in MCD objection list at serial no. 8 which was circulated by MCD vide letter no. D/213/EE(B)-II/CITY-S.P. ZONE/2022 datd 04.08.2022, accordingly complainant was asked to submit NOC or BCC from MCD. The applicant submitted Building Completion Certificate (BCC) alongwith Map. The Map submitted by the complainant is not as per the site condition, the total covered area as well as total covered floor area as mentioned in MAP is different from what is found existing at site. Further as per the Map submitted single dwelling units exists at each floor from first to fourth floor whereas as per site condition on each of said floors two dwelling units exists and single dwelling unit exists at ground floor only. As there are discrepancies at site condition and map submitted on the basis whereof BCC has been issued as such on the basis of same no new electricity connection can be provided.

4. The counsel of the complainant submitted Sanctioned building Map duly verified by MCD department and also submitted Completion cum Occupancy Certificate issued by MCD dated 11.01.2023. He further submitted that inadvertently wrong/different MAP was submitted to the office of the respondent and later on they submitted the correct MAP

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duly verified by MCD department.

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5. LR of the OP submitted that they have doubt regarding separate dwelling unit and they have written letter dated 17.02.2023 to XEN MCD by BSES regarding verification of legitimacy of BCC vide plan no. 10092313 dated 11.01.2023 but they received no response from MCD.
6. During the arguments OP submitted that they have received no response from the MCD department and the complainant has submitted an undertaking submitting therein that if the BCC certificate submitted by him is found to be fake/false, the electricity connection upon his premises would be disconnected without issuing him any disconnection notice.
7. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off.
8. We are of the view that the respondent may be directed to provide the electricity connections to the complainant with the condition that at the time of release of new connection the complainant should file an affidavit that if MCD takes any action against the property then OP should be at liberty to disconnect the supply of the complainant.

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ORDER

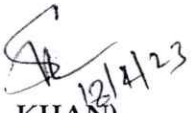
Complaint is allowed. Respondent is directed to release the connections applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connections.

The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.

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

(P K SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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