

C A No. Applied for
Complaint No. 320/2023

In the matter of:

SomduttComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. Imran Siddqui, Counsel of the complainant
2. Mr. R.S. Bisht, On behalf of BYPL

ORDER

Date of Hearing: 01st November, 2023
Date of Order: 07th November, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Mr. Somdutt, against BYPL-KKD.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Somdutt applied for new electricity connection vide application no. 8006455034 at premises no. 27/500, GF, Siddharth Gali No. 10, old no. 500/11/3-B, Vishwas Nagar, Shahdara, nearby Kabristan, Delhi-110032 but respondent rejected his application for new connection

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1 of 5

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Complaint No. 320/2023

on pretext of connection already exists and ownership dispute or court case pending. The complainant stated that there are no dues pending or any court case at his premises. Therefore, complainant's application for release of new connection may be granted.

3. The respondent in reply briefly stated that the complainant is seeking fresh domestic electricity connection for Ground Floor of property bearing no. 27/500/SH, Siddharth Gali no. 10, old no. 500/II/3-B, Vishwas Nagar, Shahdara, Delhi vide application no. 8006455034. Deficiency letter was issued as the ground floor was found electrified through meter bearing no. 35646127. Further ownership dispute was found at site as the other person present at site objected to new connection and submitted objection documents including Judgment dated 01.12.2022 passed in CS no. 1357/17 by Mr. Himanshu Raman Singh, ASCJ, in the matter titled as Sh. Som Dutt Vs Smit Phoolwati & Ors. and copy of police complaint having receipt dated 12.04.2022 made by Smt. Phoolwati inter alia against the complainant herein. From the judgment it is apparent that Phoolwati is mother of the complainant. OP further added that on site visit it was found that building comprises of GF+2 floors. At ground floor there is one dwelling unit and four shops. The building in issue has one domestic connection and one commercial connection. The applied premises were found to be duly electrified through CA No. 100768846.
4. Representative of the complainant submitted that one electricity meter was installed in his premise which was disconnected on pending dues thereafter he applied for new electricity connection which his mother and brother are objecting for release of new connection. He also asked local police for protection for installation of connection.

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2 of 5

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Complaint No. 320/2023

5. Both the parties were directed to conduct site visit. OP submitted site visit stated that applied building is old and L type having ground plus two structures. Two shops of this building are found sealed at the time of visit. There is no any meter an no electricity found at applied DX unit. Consumer is using charged electric lamp for light.
6. On the other side, LR of OP submitted that they are ready to release the new electricity connection to the complainant but the complainant's mother and brother are objecting for the same.
7. As far as legal position is concerned in the present case, as per DERC Regulations 2017, Sub- Regulation 10. New and Existing Connections, Sub-Regulation 2 and 3 as stated below:

(2) Proof of identity of the applicant:- Any of the following documents shall be accepted as proof of identity:-

- (i) electoral identity card;
- (ii) passport;
- (iii) driving license;
- (iv) ration card having photograph;
- (v) Aadhar card;
- (vi) PAN card;
- (vii) photo identity card issued by any Government agency;
- (viii) If the applicant is an organization, certificate of incorporation/ registration issued by the Registrar and proof of authorization /resolution of Board for authorizing the person.

(3) Proof of ownership or occupancy of the premises:- Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-

- (i) certified copy of title deed;
- (ii) certified copy of registered conveyance deed;
- (iii) General Power of Attorney (GPA);
- (iv) allotment letter/possession letter;
- (v) valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;

By _____ Date _____

3 of 5

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Complaint No. 320/2023

- (vi) rent receipt not earlier than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;
- (vii) mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO;
- (viii) sub-division agreement;
- (ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

8. As per above stated Regulations the complainant is co-owner of the premises where he has applied for new connection. He is in occupation of the property and is entitled for new electricity connection. During the course of arguments the complainant also submitted that his son is 80% handicapped.
9. 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. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution. In the present circumstances, as stated by the complainant earlier also there was an electricity connection in the portion of the complainant which got disconnected on account of non-payment of dues and the complainant is in occupation of the said property in the strength of co-owner, therefore he cannot be deprived off his right of electricity. Also, considering the case of the complainant on humanitarian grounds keeping in view his handicapped son also, he should be given electricity connection at the earliest.

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4 of 5 Secretary
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Complaint No. 320/2023

ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities as per DERC Regulations 2017 and also OP should seek police help if there is any resistance from the mother and brother of the complainant.

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

Accordingly, the case is disposed off.

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


(P K SINGH)
CHAIRMAN


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K.AGRAWAL)
MEMBER-LEGAL

5 of 5

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