

CA No. Applied For
Complaint No. 71/2020

In the matter of:

Ritu MittalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Adv. Suman, Counsel of the complainant
2. Mr. Imran Siddiqui, On behalf of BYPL

ORDER

Date of Hearing: 12th January, 2021

Date of Order: 13th January, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new electricity connections but the respondent did not release the connections till date.

The complainant submitted that she filed the present complaint in continuation to her earlier complaint in CGRF-BYPL vide CG No. 74/2019 and RA No. 01/2020, for release of new connections at D-204A, Gali No. 7, Jagat Puri, Main Mandoli Road, Delhi-110093, in which the Forum ordered the respondent to release the connections.

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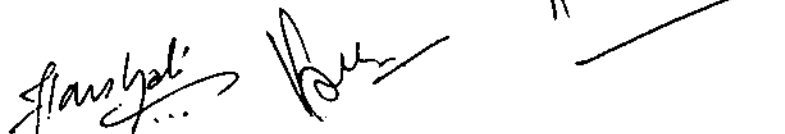
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It is also her submission that she filed RTI on 09.06.2020 vide I.D. No. 2957 in EDMC to ascertain that her property is not booked by EDMC under unauthorized construction. She further submitted that her said property is not booked under unauthorized construction as per EDMC's reply to her RTI. She applied for new connection vide order no. 8004114951, 8004114918 and 8004114312. Therefore, she requested the Forum to direct the respondent for immediate release of the connections and also asked for compensation for delay in grant of new connections.

Notice was issued to both the parties to appear before the Forum on 02.12.2020.

The respondent submitted their reply stating therein that the complainant applied for new electricity connections vide request no. 8004114951, 8004114918 and 8004114312 at property no. D-204A, Gali No. 7, Jagat Puri, Mandoli Road. The said connection applications of the complainant were rejected on account of property being booked for unauthorized construction by EDMC. It is also submitted that property in issue has two openings one in Gali No. 7 and other in Gali No. 8. The complainant earlier sought electricity connections in respect of third floor of a flats opening in Gali No. 8, on the basis of RTI dated 17.02.2020 wherein it was mentioned "as per their record property no. D-204, Gali No. 7, Jagat Puri is booked for unauthorized construction vide file no. 73 dated 28.11.2018. Whereas property no. D-204, Gali No. 8, Jagat Puri is not booked under unauthorized construction."

On the basis of said RTI the complainant was granted three electricity connection vide request no. 8004114313, 8004114948 and 8004114923. Thereafter the complainant sought three more connections in respect of flats having openings in Gali No. 7, as admittedly a property with similar number stands booked for unauthorized construction in Gali No. 7, hence, complainant was



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asked to provide NOC from EDMC in respect of property having opening at Gali No. 7. The complainant provided a copy of reply to RTI signed by Sh. P.V. Singh, Executive Engineer (bldg)-II as per which property bearing no. 204A is different from property bearing no. D-204, and it is property bearing no. D-204, which is booked for unauthorized construction.

Respondent also submitted that EDMC by way of its various letters had alerted respondent that on account of malpractice false NOCs are issued and hence in future before release of electricity connection confirmation may be taken from EDMC. Accordingly, as a matter of practice respondent now before releasing any new electricity connection on the basis of NOC/RTI from EDMC, issues a letter to EDMC for its permission.

It was also their submission that in the present case also letter was issued to EDMC for the confirmation as to whether property bearing no. 204A, Gali no. 7, Jagat Puri is booked for unauthorized construction or not. Response from EDMC is still awaited.

As per sale deed datd 02.11.2018, property bearing no. D-204A was having old no. as 204. Accordingly site verification was again carried out and as per the site verification report the property bearing no. D-204 is divided into four portions. Two portions i.e. one portion each in Gali No. 7 and Gali No. 8, are now numbered as D-204A.

The matter was heard on 02.12.2020, when both the parties were present and respondent submitted their reply. Respondent had sent letter to EDMC on dated 25.09.2020 regarding verification of NOC and is waiting for reply. Forum directed the respondent to appoint one Nodal Officer to get confirmation for the complainant's NOC because reply of EDMC takes longer time, which in turn takes time for release of connection.

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The matter was finally heard on 12.01.2021, when respondent submitted that the NOC in the present matter has been issued by Executive Engineer (II), EDMC, Shahdara, regarding clarification of booking status in respect of property no. D-204A, Gali No. 7 and 8 Jagat Puri, Mandoli Road, Delhi-110093. Respondent also submitted that they have issued the demand note to the complainant. Arguments of both the parties were heard and matter was reserved for orders.

There are two main issues in the present case one is release of demand note and other is compensation for delay in releasing the demand note.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we observe that the complainant applied for six numbers of new connections at property bearing no. D-204A, Gali No. 7 and 8, Jagat Puri, Main Mandoli Road, Delhi-110093. From the said six applications for new connections earlier the respondent released three connections to the complainant against the earlier complaint lodged by the complainant vide C.G. No. 74/2019.

The complainant's building is open from two sides. The flats having opening in Gali No. 8 were released by the respondent after the clarification from EDMC vide their reply dated 17.02.2020 against the RTI filed by complainant mentioning therein as under,

"as per their record property no. D-204, Gali No. 7, Jagat Puri is booked for unauthorized construction vide file no. 73 dated 28.11.2018. Whereas property No. D-204, Gali No. 8, Jagat Puri is not booked under unauthorized construction."

Now the complainant again approached the Forum for release of pending three connections. The respondent had already sent a letter to EDMC on dated 25.09.2020 regarding verification of NOC and the reply for the same was still awaited.

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The respondent received the reply from EDMC on 21.12.2020 vide letter no. EE (B)-II/SH-N/2020/D-656, clearing therein that the property of Smt. Ritu Mittal is not booked for unauthorized construction. Thereafter, the respondent released the demand note for new connection to the complainant.

Since, the Electricity and water is essential requirement for human being to run a normal life. As decided by Himachal Pradesh High Court, in Madan Lal Vs. State of Himachal Pradesh 2018 SCC online HP 1495 decided on 22.10.2018. Water and electricity supply a part of right to life under Article 21 of the Constitution of India.


Article 21 says, no person shall be deprived of his life and personal liberty except according to the Procedure established by-laws". This article mentions two basic terms life and personal liberty.

After going through all the material aspects of the case we are of the considered opinion that

1. Three connections which have opening in Gali No.8 were released by the respondent after producing the NOC from EDMC by the complainant and verification by the respondent from EDMC in time.
2. Remaining three connections which have opening in Gali No. 7 were released after receiving NOC from EDMC on 21.12.2020. Thereafter, the respondent wrote letter to EDMC for verification and after receiving verification from EDMC the demand notes were released to the complainant by the respondent. So, the complainant is not entitled for any compensation.

The case is disposed off as above.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN