



C A No. Applied For
Complaint No. 78/2020

In the matter of:

Suraj BhanComplainant

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. Mr. Suraj Bhan, Counsel of the complainant
2. Mr. Imran Siddiqui, On behalf of BYPL

ORDER

Date of Hearing: 12th January, 2021

Date of Order: 18th 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 he applied for two new connections vide order no. 8004124801 and 8004124805 at property no. B-154, Gali no. 4, Khasra No. 204/2, GF Right side, and left side, Jagat Puri, Main Mandoli, Delhi-110093.

Harshali
Suraj Bhan
Imran Siddiqui

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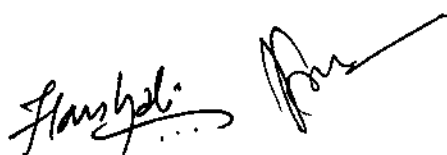
He further submitted that the respondent did not release the new connection on the pretext of building booked under unauthorized construction by EDMC. In August 2020, Assistant Engineer, Shahdara, North Zone sent a letter no. AC/SH/N/2020/D-58 dated 15.08.2020 to Manager BSES Yamuna Power Limited, C-102, Tahirpur, Delhi-94, stating therein that the complainant's property is not booked under unauthorized construction. Therefore he requested the Forum to direct the respondent company for release of new connection at the earliest and also asked for compensation.

Notice was issued to both the parties to appear before the Forum on 11.12.2020.

The respondent submitted their reply stating therein that the complainant applied for new electricity connections vide request no. 8004124801 and 8004124805. It was also their submission that the site visit was done and it was found that the subjected premises are booked by EDMC for unauthorized construction and hence new connection application was rejected due to address in EDMC objection list and the applicant was to submit NOC issued by the Executive Engineer Building department and in this regard a letter was also sent to the complainant on 20.10.2020 to provide the NOC.

The NOC issued by the Asstt. Commissioner EMCD Shahdara Zone has not been received by the respondent. The respondent has written a letter to Building department EMCD to verify the said NOC submitted by the complainant with the complaint.

The matter was listed for hearing on 11.12.2020, when respondent raised objection regarding EDMC certificate. Complainant also filed NOC. Respondent submitted that they will verify the same.

Handwritten signatures in black ink, including a signature that appears to read 'Shahdara' and another signature.

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On the next date of hearing i.e. on 24.12.2020, the respondent filed that this property is not booked by EDMC or DPCC.

The matter was finally heard on 12.01.2021, when respondent submitted that as per the last directions of the Forum they have released the demand note on 11.01.2021. Arguments 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.

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.

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 new connections and after receiving the clarification from EDMC that the said property is not booked under unauthorized construction, the respondent after verification from EDMC/building department released the demand note.


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After going through all the material aspects of the case we are of the considered opinion, that the respondent released the demand note to the complainant as and when they received clarification from EDMC, thus the delay is on the part of EDMC not on the part of respondent. Therefore, we could not find any ground on which complainant is entitled for compensation because connection/demand note is released after getting clearance from EDMC.

The case is disposed off as above.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN