

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundri Road, Near Guru Nanak Eye Centre, New Delhi.
Phone-011-23216002-04, Email: comdis.delhi@delhi.gov.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]**

Case No. 1871/1141/2020/07/6415-6416

Dated:10-08-22

In the matter of:

Sh. Puneet Bindal,

2/5117, Krishan Nagar, Karol Bagh,
New Delhi – 110005.
(E-mail-punitbindal28@gmail.com)

..... Complainant

Versus

The Manager,

BSES, Yamuna Power Limited,
Shakti Kiran Building, Karkardooma,
Delhi-110032.

.....Respondent

Date of Hearing: 08.08.2022

Present: Sh. Puneet Bindal, Complainant
Sh. Gaurav Bindal, on behalf of the complainant

Ms. Shweta Bist, DGM, Sh. Rajeev Ranjan,
Sr. Manager (Legal) and Sh. Imran Siddiqui,
Sr. Manager, on behalf of Respondent.

ORDER

The complainant, a person with more than 40% Spastic Cerebral Palsy vide email dated 20.06.2020 complained regarding non providing of new electricity connection at his residential address. BSES is issuing deficiency letters one after another. The complainant further submitted that he visited the office of BSES many times but of no avail. The office is also not accessible for PwDs. The complainant also complained to the

Vigilance Branch of the BSES regarding his grievance but they also do not respond. He requested this Court to intervene.

2. The matter was taken up with the respondent vide letter dated 27.07.2020 and hearings were also held in this case. After hearing both the parties and due deliberations, the following orders dated 26.02.2021 were issued:-

- (i) Completion Certificate of the building be provided by the complainant from the MCD within 7 days from the date of receipt of this order to the BSES with copy to this office so that his request for electricity connection could be processed further by the BSES.
- (ii) The Vigilance Department of BSES should reply with remedial measures taken, to the complainant within 5 days from the date of receipt of this order.
- (iii) BSES office should be made accessible and disable friendly.
- (iv) As the matter was pending before the Central Grievance Redressal Forum (CGRF) of BSES, it was recommended to await the final outcome and copy of the final order be submitted by the parties and after that if necessary, this court will take a call subsequently.

3. The complainant vide letter dated 12.03.2021 submitted copy of order dated 05.03.2021 passed by CGRF vide which it had been ordered that the Forum has no jurisdiction to entertain the complaint as same parties and same cause of action and sub-judice before the State Commissioner. The complainant requested this Court to restart the proceedings in this case as he has not yet been sanctioned new electricity connection and is being discriminated. The complainant prayed that BSES be directed to provide the connection to the complainant, to penalise officials of the BSES for the harassment and discrimination caused to complainant and any other order this Court deems fit.

4. The matter was again taken up with the respondent vide letter dated 24.03.2021. Vide email dated 16.04.2021, respondent replied that:

- (i) The present application of the complainant is nothing but abuse of process of this Hon'ble Commission and has been filed with malafide intention. Apart from other clarifications, it is mentioned in the reply that regarding new electricity connection, the complainant has failed to give the completion certificate nor has carried out repairs so as to make the floor habitable and as such safe for electrification.
- (ii) Regarding BSES office to be disable friendly, it is mentioned that they had already got necessary approvals for re-construction of office in order to make it disable friendly.
- (iii) Regarding action by Vigilance Department of BSES, it is submitted that the inquiries and investigation on the complaints of the complainant had been conducted but the same can not be made public but if insisted upon, the same may be filed before this Court in a sealed cover.

5. Reply of the respondent was forwarded to the complainant vide letter dated 16.06.2021. The complainant vide email dated 22.06.2021 submitted that the ATR given by the respondent is unsatisfactory and requested to take the cognizance of factual background and reality and pass order in favour of complainant.

6. The respondent vide letter dated 06.08.2021 submitted additional reply. It was submitted that the complainant was informed to get the floor repaired and get the wiring done as per the laid specification and was also asked to submit the completion certificate as per order dated 26.02.2021 passed by SCPD. However, complainant thereafter never approached BSES and BSES on its own visited the site for verification on 03.08.2021. It was added that the first floor of the premises cannot be termed as electrified as the same is not only dangerous but also in violation of various provisions of DERC Supply Code, 2017 and CEA Regulations, 2010.

7. The complainant vide email dated 02.07.2022 again requested for intervention of this Court in the matter. This Court got the site inspected by the Welfare Officer of this Court and a hearing was scheduled for 08.08.2022.

8. During the hearing, the complainant reiterated his submissions. Respondent while reiterating its submissions, added that apart from property in a dilapidated condition, a dispute is pending in Civil Court regarding ownership rights in respect of the said property (floor) for which the complainant is requesting for electricity connection. The complainant denied any litigation against him for ownership of the said floor.

9. It was observed that though the complainant had denied any litigation in his name but the fact that there is no litigation regarding ownership of the said property i.e. first floor in question can not be ignored.

10. After due deliberation and discussion and taking into account the submissions of complainant and respondent and in view of the documents submitted by the respondent in respect of the litigation in the Civil Court in respect of the property in question, the case is closed in this court.

11. Given under my hand and the seal of the Court this 10th day of August, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities