

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)
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Appeal No. 02/2025

(Against the CGRF-BYPL's order dated 03.12.2024 in Complaint No. 336/2024)

IN THE MATTER OF

Smt. Rajwati

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Smt. Rajwati along with his son Shri Ram Avtar and Advocate Shri I. U. H. Siddiqi.

Respondent: Ms. Pragya Paliwal, DGM, Ms. Chhavi Rani, Legal Retainer and Shri Akash Swami, Advocate, on behalf of BYPL

Date of Hearing: 23.04.2025

Date of Order: 24.04.2025

ORDER

1. Appeal No. 02/2025 dated 06.01.2025 has been filed by Smt. Rajwati, R/o C-1/307, Gali No. 9, 3rd Pushta, Sonia Vihar, Delhi - 110094, through advocate Shri Imran UI Haq Siddiqi, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 03.12.2024 in Complaint No. 336/2024.

2. The background of the case is that the Appellant had applied for a temporary electricity connection for construction of her house at E-2/168-B, Ground Floor, Khasra No. 54/2, 5th Pushta, Sonia Vihar, Delhi - 110094 vide Application Nos. 8006658828 and 8006932065. Both applications were rejected by the Discom vide its letter dated 13.12.2023 & 06.08.2024, respectively, on the ground that the premises is booked by the MCD for unauthorized construction, and, therefore, 'NOC'/'BCC' from the MCD is required. Discom also required space for ESS for releasing the connection..

3. When the Discom did not release the connection, the Appellant submitted a complaint before the Forum contending that she had applied a temporary connection for her plot (measuring 40 sq. yds.) located at Khasra No. 54/2, but rejected for the reason that the premises booked by the MCD for unauthorized construction . Appellant further



contended that as per MCD (erstwhile EDMC) letter No.:EE(B)-II/SH-N/2021/D-617 dated 23.08.2021 addressed to CEO, BSES-BYPL, Khasra No. 54/1 (and not Khasra No. 54/2), at Sl. No. 4, was booked in the name of Shri Prabhakar, therefore NOC/BCC/ESS was not required.

The Appellant further stated that Shri Chatar Singh, S/o Shri Tek Ram, is the owner of Khasra Nos. 54/1 and 54/2, who sold the plots to the Appellant and others. There is a distance of 300-400 meters between both the Khasra Nos. Earlier, connection was applied based on a General Power Attorney (GPA) that contained wrong address, i.e. Khasra No, 54/1, which was executed on 29.10.2021 by the owner of the premises, Shri Chatar Singh, S/o Shri Tek Ram. When this error was identified, a new GPA with the correct address, Khasra No. 54/2 was executed on 27.10.2023, in her favour. Copies of both GPAs along with back chain papers were provided to the Forum, which were taken on record. Despite that the Discom once again rejected her application for the same reason, stating that Khasra No. 54/1 was booked by the MCD, the Appellant requested the Forum for release of temporary connection, as she has suffered undue harassment since last one year.

Moreover, the Discom had already released multiple connections in the same plot (Khasra no. (54/2) and even for the Khasra No. 54/1, which was booked by the MCD. Even after the rejection of her application, the Discom released a temporary connection in the name of Smt. Pushpanjali (Meter No. 35901713) for construction purposes at E-2/18, Khasra No. 54/2 in November, 2023, and after completion of the construction, a permanent connection (Meter No. 35964063) was also energized on 16.05.2024.

4. In rebuttal, the Discom asserted that the Appellant had applied multiple occasions to obtain a temporary connection either at Khasra No. 54/1 or 54/2. However, both the premises are under MCD's objection list for unauthorized construction, and this was duly communicated to the Appellant vide its 'Intimation of Deficiency' letters dated 13.12.2023 & 06.08.2024. Further, in response to letter dated 23.08.2021, the Discom has also sent letters to MCD on 06.09.2021 and 17.04.2023, carrying out joint operation for disconnection of electricity supply.

Discom further asserted that the Appellant changed the Khasra no. 54/1 to 54/2, to avoid the MCD's booking on the basis of forged and fabricated documents. The chain of documents established that the father of the owner of the premises is Shri Tek Ram. The property, in question, is situated in unauthorized area without any municipal demarcation. Therefore, the claim of Khasra No. 54/2 can not be considered, as it was a self-generated number. Moreover, the Appellant himself admitted that the said premises/property, i.e. Khasra No. 54/2 does not fall within the ambit of MCD. As such, it shall be for MCD to determine whether the subject premises falls under the ambit of MCD or not, and, therefore, be impleaded as a necessary party. The Discom also relied on the Parivartan case and submitted a joint visit report dated 04.10.2024 to the Forum, as directed.



5. The CGRF-BYPL in its order dated 03.12.2024, found that the Discom rejected the application of new connection on the ground of the MCD's letter EE(B)-II/SH-N/2021/D-617 dated 23.08.2021. The Forum also considered the Respondent's claim that the chain of property documents establishes that Shri Prabhakar is son of Shri Tek Ram. The complainant had created forged GPAs to avoid MCD booking, as none of the GPAs gives the exact description of the built-up property, which appears unclear and does not reveal any information of the property. Moreover, none of the GPA was registered with the Revenue Authorities.

The Forum, observed that the construction of the property is against the Municipal's Bye-Laws and documents were forged to create a chain of property transfer for getting the electricity connection, which is in violation of DERC's regulations, and subsequently dismissed the complaint. The CEO, BYPL has been directed to inquire as to how an electricity connection having CA No. 154438898 was released in May, 2024, ignoring the MCD bookings.

6. The Appellant, aggrieved by the CGRF-BYPL's order dated 03.12.2024, has filed this appeal. The Appellant reiterated her submissions before the Forum and requested (a) to set-aside the impugned order dated 03.12.2024, (b) to release the connection applied for vide Application No. 8006932065 and (c) to grant compensation on account of unnecessary physical and mental harassment to her.

7. The Discom in its response to appeal dated 28.01.2025, reiterated the facts as placed before the Forum. In addition, the Discom submitted that the Appellant's request for a new connection at the premises Khasra No. 54/2, were rejected on the grounds of MCD's booking, two GPAs, one dated 29.10.2021 for Khasra No. 54/1 and the other dated 27.10.2023 for Khasra No. 54/2, and are also unregistered with the concerned authority. Further, this is a completely illusionary story and is barred by the law of caveat emptor which says "buyer beware". As per the Regulation 10 of the DERC's Supply Code, 2017, new connection cannot be released unless a clear title is established. Since the Discom does not have any power and scope to ascertain the authenticity of the title documents, which can only be tested in the trial by leading evidence by both the parties having two set of title documents of the same area.

8. The appeal was admitted and fixed for hearing on 23.04.2025. During the hearing, both the parties were present along with their representatives/advocates. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

9. During the course of hearing, the Advocate appearing for the Appellant reiterated the contentions as in the appeal. Advocate asserted that despite submission of corrected valid General Power of Attorney (GPA) with Khasra No.54/2, executed on 27.10.2023, her application of new temporary electricity connection for construction



purpose was rejected by the Respondent. As a result, she was forced to build the premises through generator for a period of three months only due to heavy cost under which 95% of the construction was carried out, and the remaining construction is pending. Advocate further asserted that her premises, having area of 40 sq. yards only, is located in Khasra No.54/2 as compared to the booked premises, having huge area of 3000 sq. yards, located in Khasra No.54/1. Both the distant premises do not have any relation with each other. The delay for release of connection caused undue harassment.

10. In rebuttal, the Advocate appearing for the Respondent reiterated its written submission. It was observed by the Ombudsman that the premises (Khasra No.54/1) was booked in June-2021 for unauthorized construction in the shape of Ground Floor with projections on Mpl. Land (Area=3000 Sq. Yards approx.). Whereas the Appellant applied the temporary connection for construction purposes on 40 sq. yards only whereby ground floor was not in existence. Therefore, it was asked by the Ombudsman as to whether any field visit was carried out to establish the fact of unauthorized construction particularly in the Appellant's premises viz-a-viz distance between the alleged Tek Ram Vatika and her premises. However, the Respondent could not present convincing response in this regard. Further, in response to a query by the Advisor (Engineering) that on what basis numerous connections were installed in Khasra No.54/1 despite MCD booking, officer present apprised that the physical demarcation of Khasra can only be identified by the land owning agency but could not give satisfactorily response.

In addition, a letter no.F.No./SDM/K.N/2025/87 dated 28.02.2025, enclosing the original report of Halqa Patwari Karawal Nagar / Khasra / Khatauni, issued by the O/o Sub-Divisional Magistrate, duly signed by Executive Magistrate, Karawal Nagar, in her favour, was submitted by the Advocate during hearing, in support of her contention with respect to existence of her premises in Khasra No.54/2. The same was taken on record. However, Respondent submitted that the said document could have been submitted earlier so that the requisite connection could be given in due course of time.

11. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- a. Unlike other sets of documents mentioned in CGRF's file in support of connections released namely, GPA, Agreement of Sell, Will, Receipt and Possession letters, Agreement-cum-Gift, etc. the GPA in favour of Smt. Rajwati is executed by Shri Chattar Singh on 27.10.2023 as absolute owner without any other document. Similarly GPA dated 29.10.2021 is also not with any other document, as proof of ownership and occupation.
- b. The Discom has submitted that the 2 sets of documents (GPAs in 2021 and 2023) are with sole intent to wriggle out the factum of MCD booking.




- c. MCD in their letter dated 23.08.2021 booked premises 54/1, in the name of Shri Prabhakar, S/o Shri Tek Ram, for unauthorized construction in the shape of ground floor with projections on MPL. The area of the above Khasra No. is 3000 sq. yards.
- d. It is clear that the Appellant got two GPA of different date and premises number, but the property chain clearly states that Shri Chatar Singh, got GPA from Shri Mahesh, S/o Late Shri Prabhu which was of 24.07.2008. The mention of Khasra No. 54/1, instead of 54/2, seems to be inadvertent. Khasra No. 54/2 is not a booked property. The Respondent has tried to establish that father's name of Shri Prabhakar and Shri Chatar Singh is Shri Tekram, but has not supported through any document.
- e. Preponderance of probability also suggests that the plot in question doesn't lie in booked Khasra i.e, 54/1 but is 54/2.
- f. The Appellant has also produced a communication issued by revenue authority authenticating the contention of Appellant regarding the Khasra No. (i.e. 54/2 and not 54/1)

12. In the light of the above, this court directs as under:

- (i) The order of CGRF is set-aside and Discom is required to release the temporary connection in the name of Appellant within 15 days upon completion of commercial formalities.
- (ii) Since Khasra No. 54/ 1 is booked by MCD in the year 2021, some connections have been released in this Khasra. CEO may institute an enquiry to find out the circumstances under which the connections were released in a property (Khasra No. 54/1), which was booked by MCD. Action may also be taken accordingly.
- (iii) Action taken report be shared with the office of undersigned within 30 days.

13. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
24.04.2025