

**OFFICE OF ELECTRICITY OMBUDSMAN**

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

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**Appeal No. 06/2025**

(Against the CGRF-BYPL's order dated 04.12.2024 in Complaint No. 422/2024)

**IN THE MATTER OF**

**Shri Amit Girdhar & Others**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

Appellant: Shri Vinod Kumar, Advocate on behalf of the Appellant

Respondent: Ms. Amita Sharma, Assistant Manager, Shri Akshat Aggarwal,  
Legal Retainer and Shri Akash Swami, Advocate, on behalf of BYPL

Date of Hearing: 09.05.2025

Date of Order: 09.05.2025

**ORDER**

1. Appeal No. 06/2025 dated 13.01.2025 has been filed by Shri Amit Girdhar & Ors., R/o 192-193, Janta Flats, Jhilmil, Delhi -110095, through his advocate Shri Vinod Kumar, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 04.12.2024 in Complaint No.422/2024.

2. The background of the case is that the Appellant(s) applied four new electricity connections for the abovementioned premises. However, the same was rejected by the Discom on the ground that the subject premises bearing Nos. 192 & 193, were booked by the MCD on 03.02.2021 for unauthorized construction on the Ground Floor, First Floor, and Second Floor, which included a hall-room and kitchen with projection. As a result, the Appellant(s) filed a complaint before the CGRF, requesting to look into the matter and resolving the issue as soon as possible.



3. The Discom's, submission before the Forum was that the Appellant(s) applied following connections for various floors, including lift for the premises located at No. 192-193, Janta Flats, Jhilmil, Delhi -110095, as per details given below:

S.No.	Application No(s)	Floors of the applied
1.	8007072301	Upper Ground Floor
2.	8007072262	First Floor
3.	8007072342	Second Floor
4.	8007072334	For lift purpose.

Upon inspection of the said premises, it was found that there were several deficiencies that violate the DERC (Supply Code & Performance Standards) Regulations, 2017. These deficiencies were (a) applied premises stands booked on account of unauthorized construction by the MCD, vide its letter No. EE(B-Sh(S)/2021/D-705 dated 08.03.2021, at Sl. No. 3 and (b) no requisite permission/documents were provided for the connection sought for the lift. The Discom mentioned that these discrepancies were detailed in their 'Site Inspection Report' dated 18.07.2024. Consequently, there was no feasibility for releasing any new connections to the Appellant. The Discom admitted that a temporary connection (CA No. 351034810) was energized on 05.11.2020 and still exists on the site. The Discom also relied upon Rule 11(2)(iv)(c) of DERC's Supply Code, 2017.

4. The CGRF-BYPL, in its order dated 04.12.2024, noted that the Discom had rejected the applied connections due to unauthorized construction at the premises Nos. 192 & 193, as mentioned ) vide MCD's Order No.EE(B-Sh(S)/2021/D-705 dated 08.03.2021, under sections 343 and 344 of DMC Act, at Sl. No. 3. Against this booking, the complainant submitted an 'occupancy-cum-completion' certificate issued by the MCD dated 13.09.2024. It is an admitted fact that there was unauthorized construction at the address, and the 'BCC' provided by the complainant does not show whether the unauthorized construction has been demolished or there was compounding of the default by the MCD. Further, it is the fact that DDA allots the flats on a leasehold basis, and the allottee has to get it converted into freehold before selling it. The complainant has not submitted any document showing his title/ownership to the property/his lawful possession, nor has he provided a 'NOC' from the DDA. Consequently, the Forum dismissed the complaint.

5. The Appellant, dissatisfied by the order dated 04.12.2024, passed by CGRF-BYPL, has filed this appeal on the following grounds:



- i) The Appellants, namely Shri Amit Girdhar and Shri Hemant Kumar Girdhar, who are the real brothers, had individually purchased the Flat No. 192 & 193. Later on, both constructed these flats jointly.
- ii) The premises in question are leasehold flats allotted by the Delhi Development Authority (DDA). The Appellants have already got freehold of their flats from the DDA, and thereafter the sale-deed was executed. Consequently, they are the respective and lawful owners(s) of their respective flats.
- iii) Without demanding the relevant property documents, the Forum rejected their complaint.

The Appellants requested to direct the Discom to release the electricity connections applied for and to compensate them for the undue physical and mental harassment.

6. The Discom, in its written submission dated 04.02.2025 to the appeal, reiterated the facts as placed before the CGRF-BYPL. In addition, the Discom submitted that the connections applied for were rejected because the premises stands booked by the MCD. Furthermore, the alleged 'BCC' dated 13.09.2024, cannot be relied upon, as the Appellants have not provided any records of demolition or compounding record related to the applied premises in question. The Appellants are also seeking a connection for the lift, however, they have not submitted the requisite permission from the concerned authorities to operate it. The Appellant has admitted the existence of unauthorized construction, which according to Section 53 of Bhartiya Sakshya Adhinyam (BSA), 2023, does not require further proof. Moreover, the Discom has sent several e-mail to verify the authenticity of the 'BCC' dated 13.09.2024, but has yet to received a response from MCD. Also, the Appellants have not provided any required permission from DDA in respect of conversion of leasehold property into a freehold, in their support.

7. The appeal was admitted and fixed for hearing on 09.05.2025. 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.

8. During the hearing, the advocate appearing for the Appellant reiterated the contentions as in the appeal. As far as relevant documents of conversion the lease hold to free hold by the DDA is concerned, the Advocate asserted that the same were not demanded before the CGRF, therefore, the same could not be submitted at that time. Later, the requisite documents were submitted along with the appeal. Hence, in the light of above, Appellants are entitled to get the applied connections. In response to a query as to whether any demolition, compounding documents or NOC from DDA available with the



Appellant, the Advocate could not present convincing response with respect to its availability. However, he contended that the conversion documents have already been placed on record along with the Building Completion Certificate (BCC) obtained under the Saral Scheme. The BCC could be verified from the MCD site. It was pointed out that on the contrary the alleged booking for unauthorized construction was also shown in the website of MCD which needs verification. On the query as to whether the Appellant has taken permission from the DDA before construction the single storey (Janta Flat) into Four stories, after demolition, or any closure report obtained from the MCD, the Advocate could not reply satisfactorily and reiterated his statement, as stated above.

9. In rebuttal, the Advocate appearing for the Respondent reiterated its written submission with respect to submission of NOC from DDA. Admittedly, the premises was booked under MCD objection list. After removal of above objections, the requisite connections could be released subject to completion of commercial formalities.

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

- (i) The Appellant applied for four connections at the subject premises, which were rejected by the Discom on account of MCD booking vide their letter dated 08.03.2021.
- (ii) Before the CGRF, the Appellant produced occupancy-cum-completion certificate from MCD dated 13.09.2024, but the Discom has stated that MCD verification of the certificate sought is awaited. In the light of the previous booking by MCD, the clarification on demolishing or compounding of default by the MCD is necessary.
- (iii) It is clear from the property chain title that all four connections applied at premises No. 192-193. The Respondent's field visit report establishes that the subject premises are amalgamated comprising of parking at ground floor and residential units at upper ground floor, first floor, second floor and third floor. A temporary connection released for construction purposes on 05.11.2020 and is still existing.
- (iv) DDA constructed a single storey flat No. 192 & 193, not expandable and allotted to original allottee in the year 1972.
- (v) Present structure of single storey DDA flat has been converted into parking and Ground Floor, UGF, FF, SF, TF and both flats (No. 192-193) has been amalgamated.

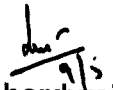


- (vi) UBBL 2016 & MDP 2021, do not give mandate to construct floors upon on DDA flats by owner/builder rather it provides mandate for plotted properties. Demolition of DDA flat, amalgamation of two different flats and construct multiple storey structure on DDA flats is in violation of law. In DDA flats, additions and alterations require permission from the DDA, which handles development of area. Since the matter falls within the domain of DDA for the development/re-development of any plot/flat in the domain of DDA.
- (vii) Therefore, without confirmation and authenticity from XEN, concerned connection cannot be granted and an 'NOC' from Delhi Development Authority is required.

11. In the light of the above, this court directs that connections be released within seven days subject to completion of commercial formalities and after obtaining (a) 'BCC' certificate from XEN (Building), MCD concerned and (b) 'NOC' from Delhi Development Authority

12. 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  
09.05.2025