

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

(Phone: 011-41009285 E.Mail elect_ombudsman@yahoo.com)

Appeal No. 11/2025

(Against the CGRF-BYPL's order dated 20.01.2025 in Complaint No. 587/2024)

IN THE MATTER OF

Smt. Neha Parveen

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Taha Bin Tasneem, Advocate, on behalf of the Appellant

Respondent: Ms. Shweta Bist, DGM, Shri Akshat Aggarwal, Legal Retainer and Shri Akash Swami, Advocate, on behalf of BSES-BYPL

Date of Hearing: 30.04.2025

Date of Order: 01.05.2025

ORDER

1. Appeal No. 11/2025 dated 03.02.2025 has been filed by **Smt. Neha Parveen**, R/o R-151, Gali No. 6, Ramesh Park, Laxmi Nagar, Delhi - 110092, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 20.01.2025 in Complaint No. 587/2024.

2. The background of the case is that the Appellant had applied five electricity connections vide Order Nos. 8007218419, 8007218531, 8007218533, 8007185929 and 8007218509 for the ground, first, second, third and fourth floors respectively, for the building bearing No. 151, Gali No. 6, Ramesh Park, Laxmi Nagar, Delhi – 110092. The Discom rejected her applications on the grounds that (a) address listed in the MCD booking, vide letter No.:EE(B)-II/Sh(s)/2018/D-2051 dated 10.09.2018 at Sl. No.33, in the name of Tamia at R-151, Gali No. 7, Ramesh Park, for unauthorized



construction in the shape of basement/GF/FF/SF/TF and Fourth Floor, (ii) pending energy dues against CA No. 4016355833 and (c) Meter No. 35972436 already exist and building height is more than 15 meters.

3. Dissatisfied with the response from the Discom, the Appellant filed a complaint with the CGRF, stating that she had applied for release of five connections for the premises at R-151, Gali No. 6, Ramesh Park, Laxmi Nagar. However, Discom rejected her applications on the basis of a letter dated 10.09.2018 from MCD, in which the address mentioned R-151, Gali No. 7, Ramesh Park, Laxmi Nagar exists for unauthorized construction. The Appellant further contended that the building for which the connections were sought was constructed in 2024, from ground floor to fourth floor, after the demolition of an old double-storey structure that had a non-domestic connection bearing CA No. 100879285, registered in the name of Shri Mohammad Shafiq. Further, the Enforcement Department of the Discom booked a case for unauthorized use of electricity in the building in 2024, and the applicant has settled enforcement dues in this matter. Appellant further contended that since as the height of the building is below 15 meters, it is covered under DERC (Sixth Amendment) Order dated 15.04.2021.

The Appellant also submitted that there are two buildings with identical addresses, viz; R-151, Gali No. 6, which is the applicant's building constructed in 2024, and second R-151, Gali No. 7, owned by Ms. Tamia, which was booked by the MCD for unauthorized construction in 2018. Furthermore, Discom had released electricity connections for all floors in that building.

4. The Discom, contended that upon inspection of the applied premises, several deficiencies were found in direct violation of the DERC's Supply Code, 2017 as mentioned in para 1 supra. To substantiate its claims, Discom provided an 'Inspection Report' to the Forum, which was taken on record. Additionally, the Discom cited various judgements, i.e. Paschimanchal Vidyut Vitran Nigam Ltd. & Ors. Vs. DVS Steel & Alloys Pvt. Ltd. & Ors - 2009 1 SCC 210, BSES Rajdhani Power Ltd. vs. Saurashtra Color Tones Pvt. Ltd. - AIR 2010 DEL 14, Ms Azra vs. The State (GNCT of Delhi) & Ors WP(C) 2453/2019. The Discom submitted that a connection can only be processed, if the Appellant clears the objections and submits an application in consonance with the provisions of DERC's Supply Code, 2017.

5. The CGRF-BYPL, in its order dated 20.01.2025, considered that the premises in question was newly constructed in 2024, after the demolition of the old structure/building. During this period, electricity connection No. 100879285 (registered in the name of Shri Mohd. Saqif), was utilized for construction purposes. The Discom booked a case for misuse and tariff violation related to this connection in 2024, which was subsequently settled by the complainant. Subsequently, a new



connection, CA No. 401635833, was issued on 29.01.2024. The complainant had also not submitted any sanctioned plan or 'BCC' for the newly constructed building. Though the Discom inspected the subject premises, the complainant had not provided any evidence confirming that the applied premises is situated in Gali No.6 and not in Gali No. 7. The Forum directed the Discom to release the new applied connections by the complainant at the subject premises R-151, Ramesh Park, Laxmi Nagar, Delhi – 110092, after submission of building plan sanctioned by the MCD or a certificate issued by the MCD confirming that the complainant's premises is not booked by them and the completion of all commercial formalities as per DERC's Regulations, 2017.

6. The Appellant, dissatisfied by the order dated 20.01.2025, passed by CGRF-BYPL, has filed this appeal, claiming that the building in question was only a single storey in the year 2018, as was evident from the existing meter bearing CA No. 100879285. The Appellant further submitted that she had requested the Forum for a joint inspection for clarity regarding the premises/location, but her request was not acceded to. The Appellant has requested the release of new connections on priority, as she has been suffering without connection for almost one year.

7. The Discom, in its written submission dated 05.03.2025 to the appeal, reiterated the facts as presented before the CGRF-BYPL. In addition, the Discom emphasized that the Appellant has demolished the old structure and constructed the new premises, indicating that the new construction would have been done as per the prevalent building bye-laws and strictly in terms of the sanctioned plan and 'BCC' issued by the MCD. If it does not, the entire construction has to be presumed as unauthorized. It was also a admitted position that the demolition and new construction were carried out using the old connection CA No. 100879285, which led to a misuse case being booked in 2024, Further, the Appellant is the daughter of the registered consumer, Shri Mohammad Shafiq, and the plea of the Appellant that Gali No. 6 viz-a-viz Gali No. 7, is baseless and unsubstantiated, as she has failed to point out that her premises is on a different street in contrast to MCD's booking at the time of inspection. Furthermore, the Inspection Report confirms the existence of the connection without specifying the street number, and that said bill is also not in dispute, as the Appellant has paid the enforcement dues as well as qua the same.

8. A perusal of the revisit report of dated 21.3.2025 submitted by the Discom mention that 12 meters were existing in R-151 & R-151A Gali No-7 & Gali No-6, Ramesh PARK Laxmi Nagar. Copies of the bills of all these meters were sought and provided by the Discom.

On going through the re-visit report and tallying all bills, it is clear that Discom had released four (4) numbers connections at R-151, Gali No-7 Ramesh PARK Laxmi Nagar , as under.



1. M No. 35686664 – CA No 153402805- Address : R-151A 1st Floor old 82-A, Gali No. 7, Ramesh Park , DOE : 10.8.2021.
2. M No. 35688727 – CA No 153402807- Address : R-151A 2nd Floor old 82-A, Ramesh Park , DOE : 10.8.2021.
3. M No. 35701871 – CA No 153428880- Address: R-151A 3rd Floor old 82-A, Ramesh Park , DOE : 14.8.2021.
4. M No. 36070914 – CA No 154656581 - Address: R-151A 4th Floor old 82-A, Gali No. – 7, Ramesh Park , DOE : 21.1.2025.

The connections were released ignoring the MCD booking and in blatant violation of the dictum in Parivartan case by Delhi High Court and the ruling by Supreme Court on unauthorized constructions.

Preponderance of probability suggests that in respect of booked property, consumer succeeded in getting connection altering address to R-151A , Gali No-7 in place of R-151 Gali No-7 Ramesh Park & Discom released connections without proper verification. Shri Mohd. Shaffiq father of appellant had obtained connection on 02.01.1990, for NX category, where after reconstruction, connections were applied by her daughter. Because of misuse and tariff violation, enforcement case was booked for using commercial connection for construction purposes which was subsequently settled.

8. The appeal was admitted and fixed for hearing on 30.04.2025. During the hearing, both the parties were represented by their authorized 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.

9. During the course of hearing, Counsel appearing for the Appellant, reiterated the contentions as stated before the CGRF and in the appeal. He asserted that the requisite connections (domestic category) were rejected on the ground that the applied property no. R-151 was booked in the MCD objection list. The fact of location of her property in Gali No.6 and the booked property no.R-151 A in Gali no.7 was not considered by the CGRF. The issue of Gali No.6 or 7 unnecessarily arose, however, R-151 and R-151 A existed in both the streets. Even her prayer before the CGRF for a joint site inspection to establish the clarity on actual street was not taken into consideration before passing the impugned order by the CGRF. Moreover, the matter pertaining to sanctioned building plan or BCC from MCD was never an issue by the Respondent before the CGRF as it was raised, in its written submission dated 05.03.2025, before the O/o Electricity Ombudsman. Apart from that, the Respondent,



in its additional submission, submitted a site revisit report dated 21.03.2025 which clearly illustrated the actual position. In response to a query by the Ombudsman, the Counsel could not categorically state that the construction during 2024 in an unauthorized colony was carried out in accordance with any sanctioned building plan and the Appellant had obtained building completion certificate from the MCD.

10. The advocate appearing for the Respondent reiterated its response to the appeal. Advocate stated that the Appellant was daughter of Mohd. Shafiq, against which a misuse case was booked. In response to a query by the Ombudsman that if four floors existed in 2018 then why only one connection was released in the premises. The fact could not be satisfactorily explained by the officer of the Respondent who was present. Advisor (Engineering) invited attention to the said site revisit report dated 21.03.2025 which clearly indicated that the MCD booking was in respect of R-151 A, Gali No.7, where four connections already existed and the said booking had nothing to do with the applied premises (R-151, Gali no.6). Respondent further could not present justifiable response to a query by the Ombudsman as to when if R-151 A, Gali No.7, was booked by MCD during 2018, then how could four electricity connections be released in 2021, 2022 and 2025. In addition, Advocate contended that the Appellant did not produce any document to prove that the property was in Gali No.6 and no title document pertaining to the property as in Gali No.6 were available on record. The GPA produced by her was executed in the year 1995 which only mentioned property no.R-151 of 50 sq. yards without any other details. This fact was admitted by the Advocate for the Appellant that in the property documents street number is not mentioned. In response to a query by the Ombudsman as to whether the sanctioned building plan is mandatory, Advocate for the Respondent relied upon and placed on record rulings by the Delhi High Court as well as Hon'ble Supreme Court in two land mark decisions covering the aspects of unauthorized construction and MCD booking.

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

- (i) It is not in dispute that there are two premises R-151 in Gali No. 6 and 7 respectively. In the re-visit report dated 21.03.2025, Discom has also mentioned the address as R-151, Gali No.-6.
- (ii) The Appellant claims that old connection had a non-domestic category (CA No. 100879285) in the name of Shri Mohd. Shafiq, her father. The new building was constructed using the same connection and, hence, enforcement action was taken, which also support that the construction was carried out in 2024. The matter regarding enforcement action and dues was settled.



- (iii) In case the construction has been carried out only in 2024, the question of MCD booking in 2018 cannot arise. Booking for construction R-151 in Gali No. 7 cannot, therefore, have any bearing on the construction R-151 in Gali No. 6.
- (iv) The Discom submitted a map of site visit report dated 21.03.2025, which indicates that property in question falls in Gali No.-6. The building consists of Basement + Ground Floor+ Four Floors and has one connection, which was provided in the name of the Appellant's father.
- (v) It seems illogical that the building constructed in 2024 (R-151, Gali No. – 6) is taken as the same which was booked by MCD in the year 2018 (R-151, Gali No.-7) and consequent upon this fact, the connections were denied to the Appellant. The fact that there was only one connection in the name of one Shri Shafiq (father of Appellant) energized in the year 02.01.1990 proves that prior to year 2024, the building was one storey structure only.
- (vi) The fact that one of the connections in property as R-151A was released on the directions of CGRF was conveyed by the Respondent. The connection was released with the argument that three connections already exist in the building and hence another connection be given. All the four connections released in a building which is booked by MCD in the year 2018 are violative of the direction as enshrined by the High Court of Delhi in Parivartan Case and Azra case.


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

- a) The order of CGRF is set aside and Discom is directed to release the connections applied for within seven (7) days upon completion of commercial formalities and clearance of Dues against regular CA No 100879285 as well as Enforcement dues CA No 401635833.
- b) Other connections released bearing CA No. 153402805, CA No 153402807, CA No 153428880, CA No. 154656581, in the building R- 151A. Gali No. 7, need to be reviewed and corrective action be taken, in the light of the settled law
- c) Action taken report be shared with this office of the undersigned within 30 days.



13. This order of settlement of grievance in the appeal shall be complied within the stipulated period on 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
01.05.2025