

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. 12/2025

(Against the CGRF-BYPL's order dated 13.01.2025 in Complaint No. 464/2024)

IN THE MATTER OF

Shri Pappu Ram

Vs.

BSES Yamuna Power Limited

Date of Order: 28.05.2025

ORDER

1. Appeal No. 12/2025 dated 05.02.2025 has been filed by Shri Pappu Ram, R/o F-146, Third Floor, N West Jyoti Nagar, Delhi – 110094, through advocate Shri Neeraj Kumar, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 13.01.2025 in Complaint No. 464/2024.

2. The background of the case is that the Appellant had applied for a new electricity connection twice vide Application Nos. 80068006965 and 8006897242. The Discom rejected these applications on the ground that the applied address was in EDMC's objection list for unauthorized construction of stilt, GF, FF, SF & TF with projections vide their letter No. EE(B)-11/SH-N12017/D-805 dated 12.12.2017 at Sl. No. 105. In response, the Appellant filed a complaint before the Forum stating that he had purchased 95 sq. yards flat on 28.08.2023 from Shri Ajay Sharma, which had a live electricity connection bearing CA No. 152401506, registered in his wife's name, Smt. Anju Sharma. He subsequently, approached the Discom for a name change of the connection. The Discom advised him to first disconnect this connection, and then apply for a new connection. The Discom disconnected the said connection and removed the meter on 12.12.2023. When he applied for a new connection for the subject premises, the Discom rejected his application on the ground that the premises was booked by the MCD for unauthorized construction in the name of Shri Ajay Sharma, the husband of the registered consumer of the disconnected connection (CA No. 152401506), Smt. Anju Sharma. The Appellant contended that the Discom had released connections to all other residents/occupants of the same building, except him. The Appellant further submitted that even Delhi Jal Board



and IGL had already released water and gas connection respectively, to him. In support of his contention, the Appellant submitted copies of electricity bills and a letter from the Delhi Jal Board to the Forum, which were taken on record. The Appellant requested the Forum for release of a new connection applied for.

3. The Discom, in its rebuttal submitted that the applied premises was booked by the MCD vide its letter as mentioned in para 2 supra, for the unauthorized construction. Regarding the connection bearing CA No. 152401506, the Discom submitted that the meter was removed from the Applicant's premises, which was registered in the name of Smt. Anju Sharma, W/o Shri Ajay Sharma, the same name in which the MCD booked the premises. Regarding release of other connections, the Discom submitted that these were provided as per the Electricity Act & DERC's Supply Code, 2017 and in terms of Regulation 10, which states that new electricity connection can be provided on the filing of the duly filled form. The Discom also submitted that in terms of various judgements passed by the High Court of Delhi and the premises being listed in MCD's objection list, the Discom was restrained from granting new electricity connections and/or restoring electricity connection in such premises. Therefore, complainant was required to provide/submit a 'BCC' or 'NOC' along with a site map by an MCD approved architect.

4. The CGRF, in its order dated 13.01.2025, observed that the applied connection was rejected because the premises had been booked by the MCD, vide its letter dated 12.12.2017. The Forum cited Regulation 10(3) and 11(2)(iv)c of DERC's Supply Code, 2017, along with relevant Supreme Court's judgements, i.e. Civil Appeal 14605 of 2024 in the matter of Kumar Barjatya & Ors. Vs. UP Avas Evam Vikas Parishad and the case of Supertech Vs. Emerald Court Owners Residents Welfare Association (2021) - 10 SCC1 as well as the Delhi High Court's judgment dated 20.12.2017 in the matter of Parivartan Foundation Vs. SDMC. Consequently, the Forum ordered that a new connection could not be released, and the complainant has to submit 'Building Completion Certificate' from MCD, for getting the new connection.

5. The Appellant, aggrieved by the order dated 13.01.2025, passed by CGRF-BYPL, has filed this appeal, reiterating the facts as submitted before the Forum. The Appellant asserts that he has been deliberately harassed by Discom's officials. He purchased the premises, in question, on 11.08.2023 which had a fitted electricity connection bearing CA No. 152401506. The Appellant further contended that had the Discom informed him earlier that his flat was booked by the MCD, he would not have removed his old connection CA No. xxxx1506. The Appellant requested for release of new connection to him under Article 14 – Equality before the Law of the Constitution of India.

6. The Discom, in reply to the appeal vide its letter dated 05.03.2025, has reiterated the facts placed before the CGRF-BYPL. In addition, the Discom has submitted that the premises, for which connection is sought is listed in the MCD's objection list for unauthorized construction, and the Appellant has failed to rebut the factum of the MCD



booking. Further, the Appellant himself admitted that had he been aware of the MCD booking, he would not have requested for a name change. Therefore, in light of the admission, a new connection cannot be released, as the grant of new connection would be in direct violation of the DERC's Supply Code, 2017.

7. The appeal was admitted and fixed for hearing on 21.05.2025 and later adjourned for 30.05.2025. Meanwhile, an e-mail application dated 28.05.2025 has been received from the Advocate for the Appellant, seeking withdrawal of the appeal.

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

- (i) MCD booking vide letter dated 12.12.2017 for F-146, Gali No. 12, West Jyoti Nagar, under construction stilt, GF,FF,SF,TF with projection, in the name of Shri Ajay Sharma, is a matter of record.
- (ii) Copies of the bills enclosed with CGRF's complaint mention connections in the booked building as per details below:

S. No.	Name(s)	Floor	C. A. Nos./Date of Energization
(a)	Ms. Parvesh Tomar, W/o Sh. Upender Kumar	Upper Ground Floor	154309166/ 14.11.2023
(b)	Ms. Kusum Lata, W/o Jagdish	Ground Floor	152553104/ 01.06.2018
(c)	Ms. Pratibha Kaushik, W/o Ragiv Kaushik	First Floor	152600031/ 06.08.2018
(d)	Ms. Renu Devi, W/o Sh. Anagpal Singh	Second Floor	152403915/ 10.01.2018
(e)	Ms. Anju Sharma, W/o Ajay Sharma	Third Floor	152401506/ 02.01.2018

- (iii) Discom has relied upon Supreme Court rulings as well as Delhi High Court ruling in Parivartan case for denial of connection on account of MCD booking to the Appellant.
- (iv) How MCD booking was ignored during release of the above mentioned connections, responsibility fixed and action taken by the Discom in the light of the Dictum in Parivartan Case is not borne from record. Discom needs to explain.




- (v) Connection can only be released on the basis of 'BCC' from MCD.
- (vi) In the said building four connections are still alive which were energized on 10.01.2018, 01.06.2018, 06.08.2018 & 14.11.2023. Fifth meter which was energized on 02.01.2018 with R/C Name Anju Sharma, W/o Ajay Sharma has been removed for unauthorized construction and subsequent booking.
- (vii) In view of the MCD booking, connection cannot be granted to Appellant. However, for other four alive connections in same building released after decision/ judgement in the Parivartan Case dated 20.12.2017, appropriate action needs to be taken by the Discom, besides an enquiry to fix responsibility as to how connections were provided in u/c booked building even after receiving MCD letter in Discom on 15.12.2017.

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

- (i) Order passed by the CGRF-BYPL is up-held. The application dated 28.05.2025 submitted by the Advocate for the Appellant for withdrawal of the appeal is allowed.
- (ii) Discom is however directed to take appropriate action in respect of four other connections released in violation of the dictum in Parivartan case.
- (iii) CEO is also directed to initiate an enquiry into the aspect of release of connections in violation of law, fix responsibility and submit action taken report in six weeks.

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
28.05.2025