

**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. 13/2025**

(Against the CGRF-BYPL's order dated 08.01.2025 in Complaint No. 482/2024)

**IN THE MATTER OF**

**Smt. Shiva Rani**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

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

Respondent: Shri R.K. Tiwari, Manager and Shri Akash Swami,  
Advocate, on behalf of BSES-BYPL

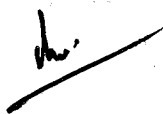
Date of Hearing: 30.05.2025

Date of Order: 02.06.2025

**ORDER**

1. Appeal No. 13/2025 dated 13.02.2025 has been filed by Smt. Shiva Rani, W/o Shri Ved Pal Singh, R/o House No. 10409, Ground Floor, Gali No. 1, Bagichi Allaiddin, Motia Khan, Multani Danda, Paharganj, Delhi 110055, through advocate Shri Vinod Kumar, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 08.01.2025 in Complaint No. 482/2024.

2. The background of the case is that the Appellant had applied for non-domestic connection for the above-mentioned premises vide Request No.8007097148, which was rejected by the Discom on the ground that against two units on the ground floor, two meters already exist. Apart from the existence of two meters, the Discom claimed that there was outstanding dues on the subject premises.



3. Subsequently, she has filed a complaint asserting that she had only purchased 24.25 sq. meters area on ground floor, where a connection bearing CA No. 151146363 already existed. Later, this area was divided into two shops. The area, in which connection bearing CA No.151146363 was installed, had been sold and the new occupant took steps to get the connection and the name changed in the year 2023. Further, there is another connection bearing CA No. 100491021, which was installed in the year 2006, for the ground floor but is currently being used on the first floor. The Appellant, therefore, requested the Forum to grant electricity connection applied for. Regarding the outstanding dues against CA No. 100367908, the Appellant submitted that there are six units in the subject premises, and requested to divide the dues on pro-rata basis.

4. The Discom, before the Forum asserted that the Appellant had requested for a non-domestic connection for her shop, which was rejected as upon inspection of the premises, it was found that two connections already existed for the two units on the ground floor. As such, there is no technical feasibility to provide a new connection. Further, there are outstanding dues on the same site. The Discom referred various Courts judgements, viz; BSES Rajdhani Power Ltd Vs. Saurashtra Colour Tones Pvt. Ltd., Izhar Ahmad & Anr. Vs. BSES Rajdhani Power Ltd. etc. emphasizing that all dues have to be cleared prior to grant of a new connection and that electricity/distribution companies cannot be made to run from pillar to post qua the same.

5. The Appellant rebutted the same by stating that she purchased the ground floor of the property, in question, in the year 2012, where an electricity connection (CA No. 151146363) was already installed, and subsequently the area was divided into two shops. Later, the shop with connection no. 151146363 was sold, and new buyer/owner had already got the name transferred in 2023. Additionally, there is another connection bearing No. 100491021, which was energized in the year 2006. Although, the bills for this connection are raised for the ground floor address, but the electricity supply is actually being used for the first floor. If the Discom asserts that this connection belongs to her, she has no objection to its disconnection.

Regarding the outstanding dues related to CA No. 100367908, the Appellant submitted that amount due is around Rs.19,000/- to Rs.20,000/-. There are six units at the premises, in question with five existing connections. She has now applied for a sixth connection, therefore, in accordance with the DERC's Regulations, this amount be divided on a pro-rata basis, and he has ready to pay his share.

6. The CGRF, in its order considered that the Appellant is the owner of the entire ground floor through registered Sale-deed dated 17.03.2023. According to this sale deed, the Appellant purchased a shop (eastern side portion) measuring the 24.25 sq. meters on the ground floor, which is part of the property bearing Municipal No. 10409 situated at Ward No. XV, Gali No. 1, Baghici Allaudin, Motia Khan, Pharganj, Delhi – 1100055. The property is sub divided, and, therefore, there is a need for another connection for the other half



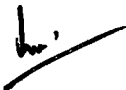
portion of the shop. In this regard, the Forum referred a recent judgement passed by the Supreme Court of India in the matter of Rajender Kumar Barjatya & Anothers Vs. UP Avas Evam Vikas Parishad & Ors in Civil Appeal No. 14605 of 2024, which states in para 21(iv) "that all the necessary service connections, such as electricity, water supply, sewerage connection, etc.; shall be given by the service provider/board to the buildings only after the production of the completion/occupation certificate. Sub-Division of industrial plot without permission of the competent authority is an unauthorized act." Consequently, the Forum rejected the Appellant's request for a new connection, and directed the Discom that, in future, if the Appellant submits the sub-division certificate, they should release the new electricity connection, subject to fulfilling of any other required formalities.

7. The Appellant, aggrieved by the Forum's order dated 08.01.2025, has reiterated her stand as placed before the Forum. In addition, the Appellant submitted that the Forum considered allegedly that the sub-division of industrial plot without permission of the competent authority is an unauthorized act, despite the fact the area where connection has sought falls under the area having Municipal No. 10409, which was allotted by the MCD. The Appellant has sold out a part/portion of her property, while retaining the remaining portion with her, for which she has applied for a new connection. Therefore, according to the Regulations 10(4)(i) & (ii), the Discom is bound to release/provide the electricity connection to her.

The Appellant is requested for:

- (a) To set-aside the impugned order dated 08.01.2025.
- (b) To direct the Discom to release the connection applied for, and,
- (c) To award compensation for the mental and physically harassment.

8. The Discom, in its written submission dated Nil to appeal, restated its submissions as before the Forum. In addition, the Discom asserts that the Appellant has unilaterally sub-divided the property without obtaining the necessary permission from the competent/relevant authorities, which is in violation of the recent law laid down by the Supreme Court of India in the matter of Rajendra Kumar Barjatya and Another vs. U P Avas Evam Vikas Parishad & Ors. (Civil Appeal No: 14606/20240). As a result, in terms of law laid down by the Apex Court, the Forum rejected the Appellant's request for a release of new connection vide an e-mail communication dated 28.05.2025 and an additional submissions has been filed enclosing a re-visit report dated 11.04.2025. The Discom has placed reliance on the order dated 17.12.2024 passed by the Supreme Court in the matter Rajender Kumar Barjatya & Ors. Vs. U P Awas Avam Vikas Parishad & Ors. (Civil Appeal 14605/2024) to emphasize that sub-division of property on the ground floor was without approval/requisite permission and in violation of the recently laid down law. The aspect of use of the supply from connection at ground floor on first floor front side and from connection at the first floor on second floor has however been admitted in the re-visit report.



9. The appeal was admitted and fixed for hearing on 30.05.2025. During the hearing, the Appellant was represented by Shri Vinod Kumar, Advocate, and the Respondent was represented by their representative/advocate. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisor (Law), to elicit more information on the issue.

10. During the hearing, the Advocate appearing for the Appellant reiterated her contention as in the appeal. The Advocate asserted the existence of five electricity connections despite having six units in the building. Therefore, under these circumstances, requisite connection could be granted. He prayed for accordingly.

11. In rebuttal, the Respondent reiterated its contentions as in the written submission. Attention was invited by the Advisor (Law) to the additional submission made by the Discom along with the site re-visit report dated 11.04.2025 which indicated that one electricity connection of the Ground Floor was being used on the first floor, on the other hand the First Floor connection was being used for the second floor. Discom conceded this fact. There was no convincing response or feed back by the officer present to the query raised above the corrective action required to be taken on account of misuse of supply. As far as sub-division of the plot was concerned, the Delhi High Court had recently passed a judgement dated 24.03.2025 in the case of M/s Civic Engineers (India) vs. Surender L. Meena wherein in Para 23 elaborated the DDA policy on conversion to free hold taking into account the aspect that if construction of more than one flat/shop/dwelling unit on plot was as per sanctioned building plan after getting approval of the concerned body, construction of more than one flat/shop/dwelling unit could not be considered as sub-division of plot. The Respondent, however, emphasized that the Appellant may be required to give an undertaking that in the event of the construction being in violation of the building plan, it would be open to the Discom to take appropriate action in the light of any communication from the Municipal Corporation of Delhi in this regard.

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

- a) Connection applied at the ground floor of the premises was rejected on two grounds:-
  - (i) Meters already exist, no feasibility for grant of new connection
  - (ii) Pending dues on applied premises.
- b) It is the case of the Appellant that the ground floor shop was sub-divided. At present, there are two (2) shops on the ground floor, two (2) units on the first floor and one each on second and third floor. These six units have five connections and for the sixth unit, i.e. shop at ground floor does not have connection.



- c) Discom has not offered any comments on alleged use of connections CA No. 100491021 for ground floor for first floor and CA No. 100437786 at first floor for second floor.
- d) CGRF, in its order dated 08.01.2025 considered that no documents have been filed in respect of Sub-Division of the shop. It was directed to release connection on submission of sub-division certificate. No such certificate has been submitted.
- e) Copies of bills placed on record by Discom indicate the following details:

S.No.	Name of the Consumers	CA No.	Floor
1.	Shri Amar Nath	100491021	Ground Floor
2.	Shri Shankar Kamra	154171053	Ground Floor
3.	Ms. Bimla	100437786	First Floor
4.	Shri Puran Chand	100461475	First Floor
5.	Ms. Ruri Devi	151746848	Third Floor


- f) In the appeal, reference is made to the responsibility of Discom to release connection as per Regulation 10(4)(i) & (ii) for legitimately sub-divided property.
- g) Discom has relied upon Supreme Court's decisions in December, 2024 to emphasize unilateral sub-division without taking appropriate and requisite permission from the competent authority, as the ground for refusal of connection. The said decision lays down guidelines for builders and need for construction in accordance with the building planning permission. The order is to be interpreted prospectively and cannot be applied to old constructions. Moreover, the Discom has not made out any case violation of guidelines laid down by the MCD for their areas.
- h) There are total six units but connections are five, therefore, there is scope of one non-domestic connection. The aspect of use by Shri Amar Nath of obtained domestic connection for ground floor on first floor and the connection in the name of Ms. Bimla on first floor in use at second floor needs a through probe.
11. In the light of the above, this court directs as under:
- The order passed by CGRF is set-aside.
  - The Discom is directed to release the applied connection within two weeks upon completion of commercial formalities.



- (iii) The Appellant is required to pay the pending dues in view of settled law. Discom is directed to convey the pending dues without LPSC to the Appellant.
- (iv) An enquiry needs to be conducted into the use of connection obtained by Shri Amar Nath for ground floor, for first floor as well as connection in the name of Ms. Bimla for first floor being used on the second floor. Action be taken against the officer(s) found negligent.
- (v) The compliance report be submitted to this office within 30 days of receipt of order.

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  
02.06.2025