

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. 16/2025

(Against the CGRF-BYPL's order dated 28.01.2025 in Complaint No. 483/2024)

IN THE MATTER OF

Smt. Madhwi Devi

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Ghanshyam Mishra, Advocate, on behalf of the Appellant

Respondent: Shri Abhishek Tyagi, Manager and Shri Akash Swami, Advocate, on behalf of BSES-BYPL

Date of Hearing: 06.06.2025

Date of Order: 11.06.2025

ORDER

1. Appeal No. 16/2025 dated 28.02.2025 has been filed by Smt. Madhwi Devi, R/o A-134, G.D. Colony, Mayur Vihar, Phase – 3, Delhi, through her advocate Shri Ghanshyam Mishra, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 28.01.2025 in Complaint No. 483/2024.

2. The background of the case is that the Appellant had applied for new electricity connection on 10.07.2024, vide Request No. 8007073434 at the premises No. A-135, Upper Ground Floor, Left Side, G.D. Colony, Mayur Vihar, Phase – 3, Delhi – 110096. However, the Respondent (Discom) rejected her application vide an "Intimation of Deficiency" letter dated 18.07.2024, mentioning "floor mismatch/wrong floor applied (upper ground floor does not exist at the site)". As a result, the Appellant filed a complaint before the CGRF-BYPL (Forum) contending that even though the upper ground floor in question exist, the Discom rejected her application for release of a new domestic electricity connection, and submitted relevant photographs of the building as a proof. The Appellant requested the Forum to release the applied connection immediately to avoid inconvenience to her.



3. The Discom in rebuttal submitted that during the site inspection, it was found that the building in question has a structure of ground floor + five floors, having three non-domestic connections on the ground floor and eight domestic connections (two on each floor) from first to fourth floors. The existence of an upper ground floor, as claimed by the complainant was not found. Copies of bills for all the existing connections were provided to the Forum, which were taken on record. Further, while the Appellant requested a connection for the upper ground floor, however, the site inspection, revealed that no upper ground floor exists. The title document relied on by the Appellant also raised doubts, due to cutting and overwriting, therefore, it cannot be considered.

4. The Appellant filed a rejoinder dated 22.10. 2024, arguing that the Discom admitted that the building consists of ground + five floors, including ground floor/ stilt parking, upper ground floor, and first to fourth floors, all already have electricity connections. However, the Discom did not disclose that there is an additional connection on the first floor registered in the name of Ms. Sudha Sharma with CA No. 154494091. Further, all flats in the building have electricity connections, except for her flat. Regarding the overwriting in the title documents, the Appellant had already filed an affidavit in this regard to the Discom, therefore, no issue could be raised. There was no electricity connection in her flat, that has been an essential need, as such, the Appellant requested the Forum to direct the Discom to release the connection applied for.

5. The Discom, in its reply, submitted that the building in question consists of Ground Floor + Five Floors and was constructed jointly on properties bearing Nos. A-135 & A-136 by Shri Naresh Bhaskar and Shri Rakesh Sharma, without obtaining a temporary connection. Consequently, a misuse case was booked. Subsequently, eight domestic connections were applied, but only seven connections were released. The application for one connection in the name of Ms. Sheela Balani for the first floor (Right Side) was rejected because a domestic meter 35510358 already existed at the site. Now, the owner has sold one flat to the Appellant, claiming it to be on the upper ground floor, on the basis of notarized documents instead of registered documents.

On the direction of the Forum, the Discom conducted a joint site inspection on 09.12.2024, and submitted a detailed report before the Forum, which was taken on record.

6. The CGRF-BYPL, in its order dated 28.01.2025, considered that the complainant has tried to mislead the Forum. There was already a connection installed at the applied premises in the name of Smt. Aisho Devi. Further, the 'Site Inspection Report' dated 09.12.2024, shows that the connections which were granted for fourth floors are now catering/supplying electricity at the fifth floor. Therefore, in conclusion, the floor numbering of the building has been changed to benefit the top floor by getting a connection or effective fifth floor, which exceeds 15 meters height.



In view of the above, the Forum directed that new connection applied for by the complainant cannot be granted. The Discom should take an action as per law for the connections shifted on the fifth floor of the building in question. However, if in future, the complainant submits the 'Fire Clearance Safety Certificate', the Discom should release her new electricity connection, subject to fulfilling of all other required commercial formalities, in accordance with the DERC's Regulations.

7. Not satisfied by the above cited order, the Appellant has filed this appeal, reiterating the submissions as placed before the Forum. In addition, the Appellant has contended that the details of the subject building provided by her does not match with the 'Site Inspection Report' dated 09.12.2024, submitted by the Discom, which contains frivolous and untenable objections. The Forum did not consider that the building is old, since it has been demolished and re-constructed consisting of ground floor (parking/total parking), Upper Ground Floor and First to Fourth Floors. The construction was carried out while adhering all the requisite requirements in accordance with the DERC's Regulations as well as the total height of the entire building, measuring 15 meters with parking. Further, the said inspection report, clearly states that the building consists of a ground floor + five floors (G+5), including upper ground floor, and confirms the existence of parking. Furthermore, the Discom did not state that the first floor has no electricity connection, and incorrectly claimed that an old meter bearing Meter No. 36006498 is being used on the upper ground floor as well as in the shops on ground floor and parking on both sides of the building. The Appellant has not provided any architect certificate either when requesting for a new electricity connection or when filing a complaint. To support her contention, the Appellant has also provided bills for water and PNG connections bills that are already installed at her premises.

The Appellant prayed (a) to set-aside the CGRF-BYPL's order dated 28.01.2025, (b) to direct the Discom to release the connection applied for and, (c) to pass any other order in the interest of justice.

8. The Discom, in its written submission dated 26.03.2025 to appeal, reiterated the facts placed before the Forum. In addition, the Discom submitted that the Appellant is trying to project the original first floor, where a connection already exists as the Upper Ground Floor (UGF), with the sole intent to obtain a connection at the top floor, i.e. fifth floor, as the same is not permissible due to the building height exceeding 15 meters. The Discom also referred that the Appellant's Architect Certificate, which shows (a) UGF, as First Floor with an existing connection (CA No. 154477351) and (b) the height of the building is approx. 15 meters till/up to forth floor, having five floors. Therefore, all the misleading exercise is being undertaken by the Appellant, in order to obtain the connection eventually for the fifth floor of the building, where no connection exists. Furthermore, it is also evident that an already existing connection on the fourth floor in the name of Shri Devendra Joshi having CA No. 154488849, has been catering supply to the fifth floor of the applied premises, and the Discom has already issued a disconnection notice for this. Therefore it is convincingly said that the entire exercise is for the purpose of seeking a




connection on the effective fifth floor by re-arranging the phraseology of the floors with ulterior motive. Moreover, the developer has first sought connections for the entire building on the strength of title documents in the month of May, 2024, wherein the actual structure was Ground Floor + Five Floors and connections were sanctioned only upto forth floor. Thereafter, another alleged set of title documents depicting the floor as UGF was created in June, 2024, with the sole intent to seek the connection for the fifth floor of the premises.

9. The appeal was admitted and fixed for hearing on 06.06.2025. During the hearing, the Appellant was represented by Shri Ghanshyam Mishra, Advocate. The Respondent was represented by their authorized 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 Advisors, to elicit more information on the issue.

10. During the hearing, the Advocate for the Appellant reiterated her submissions about denial of connection applied at the Upper Ground Floor due to height of the building and mis-match of the floors, although she had submitted all relevant documents in respect of ownership and possession of the premises. The Advocate further stated that the facilities of IGL and Delhi Jal Board are already available at the premises, in question. The Advocate also referred to the Ombudsman's order dated 08.05.2025 in the matter of Tilak Raj vs. BYPL where also height was an issue and requested for release of connection applied for.

11. In rebuttal, the stand taken by the Discom was that on account of mismatch/wrong floor applied, connection could not be released since one connection already existed on the first floor of the premises. Attention of the Advocate was invited to the Joint Visit Report dated 09.12.2024, which specified different floors in the building marked as A-135 and building A-136. In the said A-135, after ground floor parking, upper ground floor existed besides first to fourth floors. Similarly, on the ground floor of A-136, there were three shops besides construction from first to fifth floors. It was also not in dispute that Shri Naresh Bhaskar and Shri Rakesh Sharma had jointly constructed A-135 & A-136, on the basis of acquisition of property from one Shri Nemi Chand separately as A-135 (for Shri Rakesh Sharma) and A-136 (for Shri Naresh Bhaskar). The Respondent emphasized that 'NOC' from both the co-owners were obtained before release of the connections for the various occupants in the building as address A-135 & A-136. In response to the query by the Ombudsman on the sanctity of the joint 'NOC' by the two co-owners and the absence of any enabling provision in Regulation 10(3) of DERC's Supply Code, 2017, which defines title/possession, no satisfactory reply could be given. There were also no documents on the record to prove that the joint co-owners had sold the different portions to the different persons under documents specifically mentioning the building as A-135-136 instead of A-135 and A-136 separately. However, the connection stood released for the various floors of the building as A-135-136.



For removing the confusion and doubt, the Officer and the Advocate for the Respondent were provided an opportunity asked to carry out an inspection of the site and submit an affidavit by Monday, 09.06.2025, on the documents relied upon and in possession of the Discom as forming basis for the release of the connections as well as the number of connections and the floors where the stood released also certifying as to whether UGF existed at the site as A-135.

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

- i. Shri Rakesh Sharma, as absolute owner and in possession of a residential flat on plot No. A-135, measuring 60 sq. yards with common two wheeler parking sold the property to Smt. Madhwi Devi, R/o A-134, on 07.06.2024 for Rs. 29.00 lakhs, supported by notarized General Power of Attorney (GPA), Affidavit, Will, Receipt etc.
- ii. Documents on record indicate that Shri Nemi Chand Jain had executed GPA in favour of Shri Naresh Bhaskar for Plot No. A-136 and a separate GPA for Plot No. 135 in favour of Shri Rakesh Sharma.
- iii. As joint property owners and in possession of property A-135, A-136, 'NOC' were issued to various applicants for release of new electricity connections, namely Ajeet Singh, Dharm Shila Sinha, Kalpana Devi, Aisho Devi, Sheel Balani, Devendra Joshi, reflected as A-135-136, in Discom's record.
- iv. Joint Inspection Report dated 09.12.2024, mentioned the site structure as A-135 and A-136, as two joint plots on left and right side, with demarcation of various portions/floors. If the site structure is true and complete projection of the premises, the Appellant is entitled to the applied connection at upper ground floor which exists distinctly from other portions. Other released connection cannot have a bearing.
- v. In map, it is clearly denoted that in A-135 (LHS) there is parking at Ground Floor, Upper Ground Floor and first to four floors constructed, which establishes that UGF is existing at Plot No. A-135. Connections were provided on 08.07.2024 at property No. A-135-136, first floor (LHS) bearing CA No. 154477351 (Meter No. 35989471) in favour of Smt. Aisho Devi as well as to others on the basis of 'NOC' and notarized Affidavit, given jointly by Shri Rakesh Sharma and Shri Naresh Bhaskar for A-135-136. There are no other supporting documents like GPA/Sale Deed, etc; which is in contravention of 10(2) & 10(3) of DERC's Supply Code, 2017. Similarly, two other connections were provided on fourth floor, A-135-136, in the name of Shri Devendra Joshi and Smt. Sheela Balani, on the basis of same type of documents and on Architect certificate dated 10.07.2024.



- vi. Architect certificate dated 10.07.2024 issued clearly states that it was issued for the building A-135-136 jointly, treating as merging of both properties, which was applied by Shri Devendra Joshi and Smt. Sheela Balani at Fourth Floor, A-135-136, RHS and LHS respectively on 16.07.2024.
- vii. The Appellant has taken Delhi Jal Board and IGL had released connections on/for the address, i.e. UGF, A-135, in her name.
- viii. It is clear that A-135 (which is shown on left side in joint report) consists of five floors. It is surprising that all other connections have been released taking the address to be A-135/136 and not A-135 or A-136 separately. It is difficult to concede that in the same structure two addresses exist.
- ix. Discom has failed to produce any document on record to prove ownership or occupation as required under Regulation 10(3) of Supply code, 2017, for release of seven (7) connections in the building.
- x. An Affidavit dated 10.06.2025 submitted by Shri Abhishek Tyagi, Manager, states that upon inspection of the site, premises above ground floor left side was initially energized for first floor and supply used at second floor of the building. First floor was being fed by one connection in the name of Shri Mittar Pal, which was also feeding three shops on ground floor, besides feeding energy on fourth floor. As per available record, the connections were released on the basis of 'NOC' given by the owner.

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


- (a) The CGRF's order is set-aside.
- (b) It is not in dispute that the connection in the building stand released without verification of any document in respect of ownership/possession as envisaged in Regulation 10(3). CEO of the Discom is directed to get a vigilance enquiry made into the aspect of non- compliance with Regulation 10(3) of the Supply Code by the Discom in the form of documents produced and relied upon for release of connection at various floors of the premises as A-135-136, since NOC/Affidavit per se cannot be taken as a valid document. In the event of absence of any such document on record, steps for disconnection forthwith of all such connections released are required to be taken.
- (c) Similarly, in the case of Appellant her address given is A-135, whereas the addresses given in the seven other connections in the same building are A-135/136, G.D. Colony, Mayur Vihar, Phase – 3, Delhi – 110096 . A doubt is cast on the authenticity of the address and hence the connection should not be released to the Appellant.



- (d) Upon production of valid documents by the various occupants including the Appellant of the different floors in the building, and completion of commercial formalities, connections be processed and released in due course.
- (e) On the basis of outcome of vigilance enquiry as mentioned above, responsibility be fixed and action be taken against the delinquent officers.
- (f) In respect of the old Meter No. 36006498 bearing CA No. 101153500 being used in three shops at ground floor as well as fourth floor necessary action for tariff violation be taken by Discom, as per prevailing regulations, besides action, if any, for unauthorized use.
- (g) Action taken report be submitted with this office within four weeks' time.

14. 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
11.06.2025