

**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. 24/2023**

(Against the CGRF-BYPL's order dated 10.05.2023 in Complaint No.127/2023)

**IN THE MATTER OF**

**Shri Shyam Sunder Dua**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

**Appellant:** Shri Vinod Kumar, Advocate along with Shri Anil Kumar

**Respondent:** Ms. Amita Sharma, AM-PS, Ms. Shweta Chaudhary, Legal Retainer and Ms. Ritu Gupta, Advocate, on behalf of BYPL

**Date of Hearing:** 31.08.2023

**Date of Order:** 01.09.2023

**ORDER**

1. Appeal No. 24/2023 has been filed by Shri Shyam Sunder Dua, R/o A-21, Gali No.1, East Krishna Nagar, Delhi -110051 through Shri Vinod Kumar, Advocate, against the CGRF-BYPL's order dated 10.05.2023 in Complaint No.127/2023.

2. The instant case is that the appellant filed a complaint before the CGRF-BYPL for restoration/energization of an electricity connection bearing CA No. 153316780 installed at Premises No. 5/520, Industrial Area, Dilshad Garden 978/1, Delhi -110095, on 14.05.2022 which had been disconnected due to non-payment of dues. The Appellant claimed that though he made full payment of Rs. 5,210/- on 16.02.2023, with respect to e-mail communication dated 16.02.2023 but the Respondent has not restored his electricity supply till date.



3. The Respondent submitted before the Forum that the connection was disconnected during MCD's sealing drive on 30.09.2022. The MCD had issued a letter No. EE(B)-I/SHN/2022/D-268 dated 09.09.2022 addressed to the DCP, Shahdara with copies to all the concerned authorities requesting for a police force for a special demolition and sealing programme against unauthorized construction. A copy of said letter was also endorsed to the CEO-BYPL for disconnection of electricity connections, which was placed before the Forum. On 30.09.2022 the supply was disconnected from the pole due to resistance from the occupants at the site, and the premises was sealed. The said connection cannot be restored till the premises is de-sealed and communication is received from MCD to reenergize the electricity connections.

4. However, the Appellant rebutted the contention of the Discom vide his rejoinder dated 13.04.2023 and submitted that the Forum had already granted connection on the subject property (Premises No. 520/1 & 2), in the matter of Rohit Bansal on an Indemnity Bond in CG No. 219/2022 dated 09.01.2023. He also relied upon a completion-cum-occupancy certificate dated 08.05.2021 issued by the MCD in respect of plot no. 520/5.

5. The Forum, in its order dated 10.05.2023, opined that it is evident that the supply was disconnected during the sealing drive, vide MCD's letter No. EE(B)-I/SHN/2022/D-268 dated 09.09.2022, for unauthorized construction under the jurisdiction of GTB Enclave Police Station in properties Nos. 520/1 & 2, 520/5, 520/6, 520/7, 520/10 & 520/12. With regard to the electricity connection released in Property Nos. 520/1 & 2, as mentioned in Para 4 Supra, the Respondent filed MCD's objection list for the years 2018 and 2020. The Respondent had not placed MCD's objection letter dated 09.09.2022 before the Forum. Instead, the complainant (Shri Rohit Bansal) placed 'No Objection Certificate' from MCD (erstwhile EDMC) vide letter No. EE(B)1/SH-N/2020/D-111 dated 18.09.2020, which clearly stated that the property bearing No. 520/1 & 2, Mahalaxmi Compound, Dilshad Garden, in the name of Shri Rohit Bansal, was not booked under unauthorized construction. The connection at address 520/1 & 2 was released as the respondent for some reasons could not connect these communications from MCD and specially the communication dated 09.09.2022.

In view of the above, the Forum rejected the Appellant's complaint for restoration of electricity supply on the plea that the address finds mention in the MCD sealing/demolition list dated 09.09.2022. It is only possible if the complainant provides a de-sealing order/No Objection Certificate from the MCD.



6. Aggrieved by the order dated 10.05.2023 passed by the CGRF-BYPL, the Appellant approached this court mainly on the ground that the Forum granted the connection at the premises bearing No. 520/1 & 2, in favour of Shri Rohit Bansal, which was also in MCD's unauthorized objection list dated 09.09.2022, but the Respondent deliberately did not place the said letter of MCD before the Forum. Also, though the supply of the electricity connection bearing CA No. 153316780 was disconnected on 30.09.2022, the meter was removed only on 15.03.2023. The Appellant further stated that he had suffered huge losses in the business due to the non-restoration of electricity supply. Besides electricity is a basic amenity and an essential part of life, non-granting of electricity caused him harassment and mental agony.

The Appellant, therefore, prayed:

- i. To direct the Discom to restore that electricity supply of CA No. xxxx780.
- ii. To clear all dues in respect of CA No. xxxx780
- iii. To award compensation on account of physical and mental harassment.

7. The respondent, in written submission dated 05.07.2023 to the appeal, reiterated that the said connection was disconnected in the MCD sealing drive on 30.09.2022, in terms of their letter dated 09.09.2022 as mentioned before the Forum. The Discom also confirmed that the connection was disconnected on 30.09.2022 and duly punched in the system, but the meter was removed only on 15.03.2023. The site was again visited on 27.06.2023 and it was found that neither meter nor cable existed at the site.

Regarding connection granted (in favour of Shri Rohit Bansal- CG No. 219/2022) at property bearing No. 520/1 & 2, Mahalaxmi Compound, even though the premises was in the MCD's objection list, the Discom stated that due to different departments in the same division, assigned different work, there was no communication regarding the letter dated 09.09.2022 issued by the MCD. The Discom also mailed a letter dated 28.11.2022 to MCD to verify the status of letter No. EE(B)-I/SH-N/2020/D-111 dated 18.09.2020, on the basis of which a new connection was granted to Shri Rohit Bansal as his premises was not shown booked by MCD till the above date. However, the Discom has not received any reply from MCD till date. A communication dated 30.09.2022 on record also





mentions that in four cases 520/1&2, 520/6, 520/7 and 520/10, no connection existed and supply to other four connections was disconnected from feeding point (pole).

8. The appeal was admitted and taken up for hearing on 31.08.2023. During the hearing, the Appellant was represented by his Advocate, Shri Vinod Kumar and the Respondent was represented by their authorized representatives/counsels. An opportunity was given to both to plead their cases at length.

9. During the hearing the Appellant reiterated his prayer. In response to a query, he informed that the premises was purchased in 2010 and no construction was made on the plot for over a decade. He conceded that all constructions in Mahalaxmi and Ganpati Compound were unauthorized and even the construction by Rohit Bansal was also unauthorized. He raised the issue as to how connection could be released to Rohit Bansal during January, 2023, when the premises was in the objection list/letter dated 09.09.2022 of the MCD.

10. In rebuttal, the Respondent admitted that there was a lacuna on their part in not presenting the MCD letter dated 09.09.2022 before the CGRF, for its consideration.

11. This Court has heard the contentions of both the parties, gone through the records produced and has also gone through the relevant rules/regulations. Going by the MCD's letter dated 09.09.2022 seeking police force for carrying out demolition/sealing, whether the MCD adopted the course of action contemplated u/s 343, 344, 345A of MCD Act and issued any notices on unauthorized construction is not borne from record. While not going into in-depth of these issues, the fact remains that six premises were identified for demolition/sealing on 09.09.2022. Going by the decision of Delhi High Court in Parivartan case in December, 2017, the course of action taken would appear in order. That being so, there was no occasion for the CGRF and the Discom to have allowed release of connection to Rohit Bansal, contrary to the communication dated 09.09.2022 from MCD, a copy of which was also sent to the Discom.

12. Clearly, the officers in Discom erred in not bringing complete facts before the CGRF, either due to sheer negligence or with a mala-fide intention in order to confer undue advantage to Rohit Bansal. It is also indicative of the absence of a robust mechanism for keeping complete information about any consumer at one



place and the failure of the IT Department of the Discom to integrate all information received from MCD/DDA/police or other agencies through appropriate software.

13. This Court has heard the contentions of both the parties, gone through their replies/rejoinders etc. and have perused the relevant rules/regulations and, therefore, directs as under:

- a) In the light of unauthorized construction noted by the MCD in their letter dated 09.09.2022 and resultant disconnection, the appeal is dismissed as devoid of merit, and the order of CGRF is upheld.
- b) The connection released in favour of Rohit Bansal needs to be disconnected forthwith since he has failed to respond to the notice dated 02.08.2023 issued by the Discom, within the stipulated time.
- c) CEO of the DISCOM may in consultation with IT Cell evolve a robust mechanism for keeping complete information about any consumer/address at one place by integrating all information received from any government agencies such as MCD, DDA, Police, etc. To avoid allegation of pick and choose as in the instant case, the upgradation of information should be on a regular basis and in a time bound manner so that the retrieval should become perfect and suitable log be created in the system against official retrieving it. It would bring accountability and transparency in the system.
- d) A vigilance enquiry be also ordered to fix responsibility and ascertain the circumstances in which complete information on Rohit Bansal was not shared by the DISCOM with the CGRF-BYPL

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
01.09.2023