

**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. 24/2024**

(Against the CGRF-BYPL's Order dated 10.07.2024 in CG No. 213/2024)

**IN THE MATTER OF**

**Shri Subhash**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

**Appellant:** Shri Nishi Kant Ray, Advocate, on behalf of the Appellant.

**Respondent:** Ms. Shweta Bist, DGM, Ms. Chhavi Rani, Legal Retainer and  
Ms. Ritu Gupta, Advocate, on behalf of BYPL

**Date of Hearing:** 22.10.2024

**Date of Order:** 23.10.2024

**ORDER**

1. Appeal No. 24/2024 dated 13.08.2024 has been filed by Shri Subhash, R/o L-222, Laxmanpuri, Nabi Karim, Paharganj, Delhi - 110055, through his advocate Shri Nishi Kant Ray, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 10.07.2024 in Complaint No. 213/2024.

2. The background of the case is that the appellant applied for a new non-domestic connection on 02.03.2024 for his shop located at L-259-B, Shop No. 1, Ground Floor, Laxmanpuri, Nabi Karim, Paharganj, Delhi – 110055, purchased through notarized General PA on 05.06.2019 from Shri Shamim Ahmed. The same was rejected by the Discom vide its letter dated 06.03.2024 on the ground that the applied building is having ground + four floors including mezzanine floor and the height of the building is more than 15 meters. Therefore, a fire safety clearance





certificate from the concerned authority is required. Further, BCC/NOC from MCD is also required, as the ground floor of the premises is booked vide MCD's objection list in 2019. The appellant also claimed that earlier an electricity connection bearing CA No. 150389335 in the name of Shri Mahesh (previous owner of the shop) existed at the same premises but due to non-payment of bills, it was disconnected in the year 2022.

3. Upon rejection of the request, the appellant filed a complaint on 08.04.2024 before the Forum and submitted that the premises, where a non-domestic connection is sought as mentioned in para two above, is not in the objection list of the municipality. Further, an existing non-domestic connection bearing CA No. 150389335 was installed in the name of Shri Mahesh, the previous owner of Shop No. 1, which had been disconnected in 2022 due to non-payment. Now, he is ready to pay the dues. Moreover, in the adjacent building there are similar numbers, i.e., L-259, L-259-A. Out of this, premises bearing No. L-259 had been booked in 2019 by the MCD, for carrying out commercial activities unauthorizedly. The Appellant requested the Forum, to direct the Discom to install the requisite non-domestic electricity connection at his shop and compensation on account of mental as well as physical harassment.

4. The submission by Discom before the Forum was that upon site inspection, it was found that the building consisting of ground floor + five floors, is a mixed-use building, and the height of the building is also more than 15 meters (each floor having 3 meters of height). Therefore, the complainant has to submit a 'Fire Safety Certificate' from the concerned authority or a Building Completion Certificate/No Objection Certificate from the MCD. Furthermore, the subject premises has been booked by the MCD for carrying out commercial activity unauthorizedly in a non-confirming area without obtaining a valid Municipal Factory License. The MCD (erstwhile called NDMC) vide their letter No. AC/C/SPZ/2019/D-1859 dated 27.12.2019 informed the Discom that the subject premises was booked by them (at Sl. No. 21) for carrying out the commercial work involving the running of embroidery machines. Moreover, at the time of inspection, one electricity connection bearing Meter No. 150942021 was found at the site, and thereafter, a show-cause notice dated 22.08.2019 was sent to the complainant. The Discom also submitted bills for 12 electricity connections existing at L-259 and L-259B in support of their contention.

Therefore, relying upon Regulation 7 read with Clause 36 of the Central Electricity Act, Regulations, 2010 and Rule 27 of the Delhi Fire Services Rules, 2010, the complainant was requested to provide 'FCC' and 'BCC/NOC'.





5. The Appellant again filed a rejoinder dated 11.05.2024 before the Forum and mentioned therein that his building bearing premises No. L-259-B has not been booked by the MCD. In fact, there are already four non-domestic (NDLT) connections in the subject building, two on the ground floor and two on the first floor. Only his shop does not have the connection.

6. The CGRF-BYPL, in its order dated 10.07.2024, considered two reasons for rejection of non-domestic electricity connection, viz; (i) the height of the building being more than 15 meters. Admittedly, building consists of ground + mezzanine + four floors, i.e., effectively ground + five floors. In that condition, the height of the building would be more than 15 meters. Now, since the applied connection is of the non-domestic category, it does not matter if the building is commercial or not or if the applied floor is ground or top floor, the height required to be considered is of the entire building, which is more than 15 meters. Thus, this objection cannot be said to be unjustified, (ii) regarding MCD booking, going through the list, the only difference is that word 'B' is not inserted in the L-259. However, locality is the same. Thus, there can't be any gainsay that MCD has not booked the property owned by the complainant, (iii) By their order MCD has only required to disconnect the supply that too on the condition that the units therein are running unauthorisedly in a non-conforming area without having a valid Municipal Factory License, in gross violation of the DMC Act, 1957. This letter further requires to ensure that this action is not taken against holders of valid municipal licenses or against those who are having the court's stay order in their favour. In this respect complainant does not state that he is having/valid Municipal License/Trade License.

7. Following the rejection of his application for a new non-domestic electricity connection, the Appellant filed an appeal dated 13.08.2024 before the Ombudsman reiterating the same facts as before the Forum. The Appellant prayer is for (i) to set-aside the CGRF-BYPL's order dated 10.07.2024, (ii) to direct the Discom to release the requisite non-domestic electricity connection in his name and (iii) to pass any further relief in the interest of justice.

8. The Discom, in its response dated 03.09.2024 to the appeal filed by the Appellant reiterated its submission as before the Forum. In addition, the Discom submitted details of twelve electricity connections that exist at the subject property along with all the relevant documents with its written submission. The Discom has not rebutted the reasons either for the installation of alleged connections or its disconnection in the subject premises in the light of MCD's letter dated 27.12.2019. These connections were installed on different floors with addresses as L-259 or L-259-B.






- (iii) Connections released by DISCOM earlier need to be reviewed in the light of decision in Parivartan case by Delhi High Court and in M.C.Mehta case by the Supreme Court of India.
- (iv) As per MoM of SDMC letter No. ADC/SDMC/2017/SK/D-2132 dated 06.11.2017, Discom had been directed that before issue any commercial/industrial connection >5 KW load of non-conforming area, the consent/NOC from Factory Licensing, MCD must be taken.
- (v) Since the guidelines, i.e., Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017, exists, any connection has to be released in conformity with the Law.

13. In the light of the above, this court directs (i) for release of the connection, after completion of all the commercial formalities and also subject to Appellant getting 'Fire Clearance Certificate' since the height of the building is more than 15 meters and (ii) Discom may also take suitable action as enunciated at para (iii) above.

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 hereby informed and cautioned that the Order of Settlement of Grievance raised in the appeal is, as per Regulation 65 of DERC's Notification dated 24.06.2024, final and binding on the parties.

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
23<sup>rd</sup> October, 2024