

**OFFICE OF THE 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**  
(Phone No.: 011-26144979)

**Appeal No. 26/2021**

(Against the CGRF-BRPL's order dated 29.06.2020 in CG. No. 11/2020)

**IN THE MATTER OF**

**Shri Bhagwan Dass**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

Appellant: Shri Bhagwan Dass

Respondent: Shri S. Bhattacharjee, Sr. Manager, Shri Brijendra Bhaskar, Senior Manager and Shri Deepak Pathak, Advocate, on behalf of BRPL

Date of Hearing: 09.12.2021, 10.01.2022 & 08.02.2022

Date of Order: 09.02.2022

**ORDER**

1. The Appeal No. 26/2021 has been filed by Shri Bhagwan Dass against the order of the Forum (CGRF-BRPL) dated 29.06.2020 passed in CG No. 11/2020. The issue concerned in the Appellant's grievance is regarding the non release of new domestic electricity connection by the Discom (Respondent) to be installed at his premises bearing House No. 26, Begumpur Park, Harijan Basti, Malviya Nagar, New Delhi - 110017.

2. The brief background of the appeal arises from the facts that the Appellant was having an electricity connection bearing CA No. 102195520 at the above said premises which was surrendered by him and subsequently applied for a temporary non-domestic electricity connection for the purpose of construction of his house in the year 2017. The same was installed by the

Discom. Later on, in the year 2018, he again applied for a permanent domestic electricity connection but the Discom refused the same on the plea that his construction is an unauthorized one.

As the new connection was not being released by the Discom, he approached the CGRF, wherein it was decided by them that in view of facts and circumstances, as the building is booked by the SDMC (South Delhi Municipal Corporation) and the Appellant could not get the NOC (No Objection Certificate) from SDMC, therefore, the connection cannot be released by the Discom. However, the Appellant is directed to pursue the matter with SDMC in this regard. Since the Appellant was not satisfied with the order of the CGRF, the present appeal has been preferred by him with a request that he may be provided with the domestic electricity connection which was surrendered by him initially or a new domestic electricity connection may be got released at his premises.

3. The brief details as submitted by the Discom states that the Appellant had applied for a new connection vide Request No. 8003384321 dated 18.06.2018 at the address bearing H.No. 26, Ground Floor, Begumpur, Harizan Basti, New Delhi - 110017. An electricity connection bearing CA No. 102195520 already existed at the aforesaid premises in the name of the Appellant which was got surrendered and accordingly obtained a temporary connection for construction purpose on 27.07.2017. After construction, he had applied for a new connection vide Request No. 8003384321 dated 18.06.2018. However, on scrutiny of the application and inspection of site, it was observed that the applied premises had been booked by SDMC and had initiated action U/s 343 & 344 (and other relevant action) under various sections of DMC Act 1957 against unauthorized construction at ground floor and first floor vide Notice No. D-1108/Bldg.-I/SZ/17 dated 10.07.2017 in respect of file No. 208/UC/B-I/SZ/17 dated 17.06.2017. The applied premises conforms to the details mentioned in the aforementioned SDMC Notice and as per the standing instructions of the Hon'ble High Court, the Discom shall ensure no electricity connections are provided to the buildings constructed in violation of law. The Appellant has already been intimated to this effect and in view of the above facts, new connection application cannot be processed in the property under question. In view of aforementioned facts and circumstances, it is requested to close the subject cited appeal.

4. The Discom in its reply further submitted that the present appeal is highly misconceived and in complete disregard to the law and the fact that the premises bearing No. 26, Ground Floor, Begumpur, Harizan Basti, New Delhi - 110017, where the Appellant is seeking electricity connection is declared to be unauthorized by MCD, and vide letter dated 16.07.2017, the MCD had intimated them about the said building being unauthorized and instructed not to grant connection in the said building. The request for such connection at the said premises cannot be acceded to unless NOC is issued by MCD in this regard and as such the entire plea made in the appeal is preposterous and misconceived and against the law. The Discom is bound to comply such directions in any case. The Discom further added that the Hon'ble Division Bench of Delhi High Court in M. S. Jadhav Vs. BSES Rajdhani Power Ltd. LPA No. 39/2016 vide Judgement dated 25.01.2016 has held that no connection can be granted without due compliance of the law. In addition to above, the Discom also cited the order of the Hon'ble Division Bench of Hon'ble High Court, in a PIL titled as "Parivartan Foundation Vs. South Delhi Municipal Corporation & Ors." WP (C) 11236/2017 vide the Order dated 20.12.2017, coming heavily against the menace of unauthorized construction passed a direction for non grant of connection to the building constructed in violation of laws and disconnection of the supply if the same is granted in such premises. The relevant part of the order reads as follows:

- i) "The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.
- ii) In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.
- iii) Let copies of this order be sent by the Registry to the Chief Executive Officer, Delhi Jal Board and BSES Rajdhani Private Limited."

The Discom also stated that in view of the fact that the said premises has been declared to be unauthorized and instructed for not sanctioning



connection coupled with direction of Hon'ble High Court, the connection cannot be granted unless the MCD issues NOC for connection and withdrawing the said premises from the list of unauthorized connection. The Appellant also cannot seek re-energization of old connection which stand disconnected and on fresh Application for connection, the requirement of law as laid down under Regulation is required to be complied with and this is what has been held by the Hon'ble Division bench in the matter of M.S. Jadhav (supra) and as such the entire Appeal has no merit and deserved to be dismissed. Further, the Appellant has failed to point out the issue of law which entitles the connection to the Appellant in a building which has been declared to be unauthorized.

In view of above, it was finally submitted by the Discom that they have acted as per law and prevailing regulations and there is no violation of law in any manner. The present appeal therefore deserved to be dismissed at the outset.

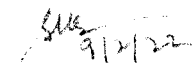
5. After hearing both the parties and considering the material on record, it is observed that the Discom rejected the application for a permanent electricity connection in the said premises on account of the applied premises being booked by SDMC for unauthorized construction. The copy of the SDMC notice dated 16.07.2017 vide which the Discom was communicated about unauthorized construction under section 343 & 344 under various sections of DMC (Delhi Municipal Corporation) Act 1957, in the premises under question, was submitted by the Discom during the hearing for reference and the same was taken on record. The Appellant did not contest the notice and showed his inability to produce NOC from SDMC. In addition to above, as per the Hon'ble High Court's instructions the Discom cannot grant any electricity connection without due compliance of law and in case the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with the law shall have to be taken by the Discom regarding those connections.

In the above background, as the applied premises conforms to the details mentioned in the aforementioned SDMC notice and further in view of the instruction of the Hon'ble High Court, the request for such electricity connection at the said premises cannot be acceded to unless NOC is issued by SDMC in this regards. As such the plea made by the Appellant cannot be accepted and the electricity connection cannot be granted unless the MCD

issues NOC for the connection and withdraws the said premises from the list of unauthorized construction. In addition to above, the request of the Appellant regarding re-energization of old connection also cannot be accepted under the instant regulations. However, the Appellant is directed to pursue the matter with the SDMC.

Although, it is quite evident that the new connection cannot be granted by the Discom in such cases, where the premises is booked by SDMC for unauthorized construction, yet the Discom has to look into the matter as to whether the tariff being charged by them, for the temporary connections obtained for construction of own houses is as per the relevant category or not. As per the tariff orders for Financial year 2017-18 onwards and also as per the latest tariff order for the Financial Year 2021-22, it is quite clear that the domestic connections including group housing societies will be charged at the same rate as that of relevant category for fixed charges and similarly for energy charges also the rates to be charged will be same as that of relevant category without any temporary surcharge. In view of above, the Discom is directed to look into the category of tariff being charged in the present case, and in case the same is not being charged as per the relevant category as per the prevailing tariff orders, the account of the Appellant may be overhauled since the installation of the temporary connection. The compliance of the above be intimated within 15 days.

6. In view of the above background, it is concluded that no intervention with the verdict of the CGRF is warranted. The appeal is disposed of with the above directions accordingly.

  
**(S.C.Vashishta)**  
**Electricity Ombudsman**  
**09.02.2022**