

**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. 31/2024**

(Against the CGRF-BYPL's Order dated 28.02.2024 in Complaint No. 365/2023)

**IN THE MATTER OF**

**Shri Mahesh Chand**

**Vs.**

**BSES Yamuna Power Limited**

Present:

Appellant: Shri Mahesh Chand along with Shri Neeraj Kumar, Advocate.

Respondent: Shri Nishant Chauhan, Senior Manager, Ms. Chhavi Rani,  
Legal Retainer and Shri Akash Swami, Advocate, on behalf of  
BYPL

Date of Hearing: 18.12.2024

Date of Order: 19.12.2024

**ORDER**

1. Appeal No. 31/2024 dated 23.09.2024 has been filed by Shri Mahesh Chand, C/o Shop No. 1, Ground Floor, DDA Janta Flat No. 1153, GTB Enclave, Delhi - 110093, through his advocate Shri Neeraj Kumar, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 28.02.2024 in Complaint No. 365/2023.

2. The background of the case is that a connection bearing CA No. 152187355 installed at the above cited shop was disconnected in September, 2023 on a request made by the registered consumer namely; Shri Damodar Pant, without prior intimation to the complainant despite his status as a bonafide user. The Appellant contended that he had purchased the subject shop on 10.12.2018 from Shri Damodar Pant which included an electricity connection bearing CA No. 1521873355. However, the electricity



connection was not got transferred in his name. Since then, he has been utilizing the electricity connection and regularly paying the bills, as and when issued by the Discom. The Appellant, therefore, submitted his complaint dated 20.09.2023 before the CGRF seeking relief for restoration of the connection.

3. The stand by the Discom before the CGRF vide reply dated 16.10.2023 was that since the connection was registered in the name of a person, Shri Damodar Pant, other than the complainant, as such, the Discom had no privity of contract with him. Consequently, the request for restoration of electricity supply of CA No. 152187355 could not be granted, as requested by the complainant. Following this, the complainant applied for a new electricity connection of 1 KW vide Order No. 8006521491 under non-domestic category, the same was rejected, as the building was identified as booked by the MCD, as mentioned in their letter No. EDMC/EE(B)-I/SH-N/2018/D-51 dated 08.02.2018 listed at SI No. 112. As a result, electricity could not be released in the properties that are booked by the MCD unless the Appellant provides a 'Building Completion Certificate/No Objection Certificate'. In support of this, the Discom referenced 'Regulation 10 – New Electricity Connection' of the DERC's Supply Code, 2017. In addition, the Discom supported its stand while referencing to the various judgements passed by the High Court of Delhi.

4. The Forum, in its order dated 28.02.2024 observed that the main concerns in this case pertains to the disconnection of the electricity supply at the request of the previous owner (Shri Damodar Pant) of the property and refusal to release a new electricity connection, as the building in question is listed in the MCD's objection list. Further, the complainant had after purchase of the property in 2018 neither informed the Discom nor submitted an application for transfer of the connection in his name. It has been determined that the restoration of connection is not feasible. Moreover, it is an admitted fact that the property in question has been booked by the MCD for unauthorized construction. Therefore, the complainant must obtain a 'BCC/NOC' from the concerned authority for release the requisite connection subject to fulfillment of all other commercial formalities. The complaint was therefore rejected.

5. The Appellant, dissatisfied by the order passed by the CGRF-BYPL on 28.02.2024, has filed this appeal on the following grounds:

- a) The Discom disconnected the connection and removed the meter in September, 2023 without prior intimation to him.
- b) The Appellant's application for a new connection was denied due to the premises being listed in MCD's objection list. However, multiple connections have been granted for properties No. 1152 and 1153, either on the basis of undertaking/affidavit or without such documents, as per the



direction of the CGRF-BYPL. To substantiate his claims, the Appellant has provided copies of two relevant orders.

The Appellant has requested to set-aside the CGRF-BYPL's order dated 28.02.2024 and to pass order either for restoration of electricity supply of CA No.152187355 or release of a new connection.

6 The Discom, in its response dated 11.10.2014, has reiterated its submissions as before the Forum. In addition, the Discom has submitted that the Appellant is attempting to assert parity by invoking Article 14 of the Constitution of India. However, the aspect of negative equality is already settled by Courts and the Discom has cited several judgements from the Supreme Court of India. In this regard, the Discom has also relied upon the maxim "Vigilantibus non dormientibus jura subveniunt", which means the law assists those who are vigilant, not those who sleep over their rights. Since Shri Damodar Pant was the registered consumer, there is no privity of contract between the complainant (Appellant) and the Discom. The Appellant did not, at any stage, inform about change of ownership but rather kept on enjoying the services and paid the bills. The Discom further emphasized that grant of new connection has to be strictly in consonance with the regulations 10(3), Rule (11(2)(iv)(c), as per the DERC (Supply Code and Performance Standards) Regulations, 2017, which the Appellant has not followed. Consequently, the Discom concluded that no new connection can be released to the Appellant.

7. The appeal was admitted and fixed for hearing on 18.12.2024. During the hearing, both the parties were present along with their representatives/advocates. An opportunity was given to both parties to plead their respective cases at length. Relevant questions were also asked by the Ombudsman as well as the Advisors.

8. During the hearing, the Appellant reiterated his contention as stated before the CGRF as well as in the appeal. The Appellant admitted his mistake for delay in transferring the electricity connection from the previous owner (Shri Damodar Pant) to his name, after purchasing of the shop in 2018. The Appellant asserted that earlier also his electricity supply was disconnected due to non-payment of outstanding bills but the same was restored after payment of dues. However, he was not aware of removal of his electricity meter in September, 2023 due to the fact that his shop had remained closed for quite some time. Even, his application for new non-domestic (NX) connection was declined due to premises appearing in MCD objection list. The Appellant prayed for releasing the connection.



9. In rebuttal, the Respondent reiterated its written submissions. The Respondent asserted that this is a case of MCD booking and till the time Appellant kept enjoying the supply of electricity connection, energized in 2017, in the name of 'Shri Damodar Pant'. The Respondent could not respond satisfactorily in response to a query for installation a connection in 2017 in the shop when the property had already been sealed by the MCD in 2015.

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

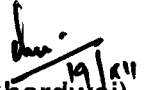
- (i) The Appellant had purchased Shop No.1, located at Ground Floor of property bearing No. 11513, DDA Janta Flat, GTB Enclave from Shri Damodar Pant on 10.12.2018, through GPA, Agreement to Sell, possession and receipt for payment of Rs.7.00 lakhs, besides affidavit, will etc. The area of the shop is 7½ x 21 ft.. Shri Damodar Pant had purchased this property from Shri Liyakat Ali and Sirajuddin on 18.05.2017. He got a non-domestic 1 Kva connection in his name, which was energized on 08.06.2017. After purchase, the Appellant did not take any steps to get the connection transferred in his name.
- (ii) The MCD, vide its letter dated 08.02.2018, informed the Discom about booking of unauthorized construction (list of 302 properties with property in question at Sl. No. 112), with a request for disconnection.
- (iii) On the request by Shri Damodar Pant, the connection was disconnected in September, 2023. Request for re-connection by the Appellant was not allowed and his new connection application No. 8006521491 was rejected on account of the Appellant not being the registered consumer in the records of Discom and MCD booking respectively.
- (iv) The stand of the Appellant in the appeal about violation of principle of equality and the need for release of connection on undertaking or affidavit cannot be accepted in the light of the settled law and the absence of any enabling provision in the DERC's Supply Code, 2017. BCC/NOC from MCD is required, for the applied new connection, as per the requirement of the application form duly approved by the DERC.

11. In the light of the above, this court upholds the order passed by the CGRF. The connection applied for may be released by the Discom, upon submission of the 'NOC/BCC' from the MCD by the Appellant and the completion of commercial formalities.



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 the Order of Settlement of Grievance raised in the appeal 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  
19.12. 2024.