

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. 55/2024

(Against the CGRF-BYPL's order dated 23.09.2024 in Complaint No. 364/2024)

IN THE MATTER OF

Shri Shahwar Ahmad & Ors.

Vs.

BSES Yamuna Power Limited

Present:

Appellant: None present for the Appellant

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

Date of Hearing: 03.03.2025

Date of Order: 04.03.2025

ORDER

1. Appeal No. 55/2024 dated 27.11.2024 has been filed by Shri Shahwar Ahmad & Ors., C/o, 2072, Ward No. VII, Katra Gokul Shah, Sita Ram Bazar, Delhi – 100006, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 23.09.2024 in Complaint No. 364/2024.

2. The background of the case is that the Appellant, Shri Shahwar Ahmad, together with Shri Shakeel Ahmad and Ms. Zahida Shakeel applied for four domestic connections at building bearing No. 2072, Ward No. VII, Katra Gokul Shah, Sita Ram Bazar, Delhi – 100006, as details given below:

| S.N. | Name of the Applicant | Application No(s) | Floor(s) |
|------|-----------------------|-------------------|----------|
| 1. | Sh. Shahwar Ahmad | 8007004060 | Ground |
| 2. | Sh. Shakeel Ahmad | 8007004002 | Ground |
| 3. | Ms. Zahida Shakeel | 8007003993 | Second |
| 4. | Sh. Shahwar Ahmad | 8007004065 | Third |



3. The Discom rejected all these applications on the ground that the building in question was booked by MCD for unauthorized construction, vide Notification No. D-21/EE(B)/CSPZ/2024 dated 12.04.2024 at Sl. No.-7, (b) site visits for Application Nos. 8007003993 & 8007004065, could not be completed because premises were found locked and (c) the building having ground plus six floors (mixed-structure) being more than 15 meters height. Consequently, the Appellant approached the CGRF-BYPL and filed a complaint contending that the MCD had not booked the building in question for unauthorized construction. They further submitted that before construction of the building, they had obtained two sanctioned plans under 'SARAL Scheme' vide Request ID Nos.10112356 dated 23.02.2023 and 10115144 dated 28.04.2023. Furthermore, the Discom had released twelve connections for the same building at different floors in the month of March & April, 2024. To support their claims, the Appellants provided copies of relevant electricity bills to the Forum. Therefore, the MCD's list for unauthorized construction is baseless, fabricated and only for extortion of money from them and they requested for release of connections applied for along with compensation.

4. In rebuttal, the Discom submitted that according to the MCD's above cited letter dated 12.04.2024, the building where connections were requested has been booked for unauthorized construction by MCD. Further, the subject building consists of ground floor plus six floors, as such, height of the building is also more than 15 meters (mixed-structure), which requires a 'BCC' from the MCD.

5. The CGRF-BYPL, in its order dated 23.09.2024 contended that the connections were rejected by the Discom on the ground that all the four floors were booked under Section 343 & 344 of Delhi Municipal Corporation (DMC) Act vide letter dated 12.04.2024. Although the complainant submitted the 'BCC' vide ID No. 10112356 dated 23.02.2023 and 10115144 dated 28.04.2023 but these were issued by the MCD in the year 2023. However, the MCD's booking list of April, 2024, was released almost after one year of the issuance of the 'BCC'. Therefore, there is clear violation of DMC Act, 1957, and rejected the Appellant's complaint in accordance with the Regulation 11(2)(iv)(c) of the DERC (Supply Code & Performance Standards) Regulations, 2017, with reliance upon the Delhi High Court's order the case of M/s Parivartan Foundation vs. SDMC & Ors in WP(C) 11236/2017 dated 20.12.2017.

6. The Appellant aggrieved by the CGRF's order dated 23.09.2024 has filed this appeal reiterating the facts as submitted before the Forum. The main contention of the Appellant is that the Discom has already released several connections in/to the left and back side portion of the building, in question, and, therefore, requested for release of the applied connections under Article 14 – Equality before the Law.



7. The Discom, in its reply dated 18.12.2024 submitted that the CGRF dismissed the Appellants' request in accordance with the relevant rules and regulations. With regard to seeking parity by invoking Article -14 on account of release of certain connections on the other premises, the Discom further submitted that law does not provide the relief of negative equality. Moreover, the Appellant failed to produce a legal/valid 'BCC' in order to discredit the factum of MCD booking for unauthorized construction.


8. The appeal was admitted and fixed for hearing on 03.03.2025. An application/e-mail has been submitted before the hearing at 1.39 p.m. from the Advocate of the Appellant for withdrawal of his appeal since the issue stood resolved. The Respondent was represented by their authorized representatives/advocate.

9. During the hearing, the Discom mentioned that the Building Completion Certificate (BCC) has been issued by the MCD on 17.12.2024, and, therefore, further action will be taken accordingly. It was pointed out to the officer present that 12 other connections also were released in the building which according to the Discom had G+6 floors, and necessitated Fire Clearance Certificate from the Fire Department on account of the building height being more than 15 meters.

10. The request for withdrawal of appeal is allowed. However, the Discom may ensure that all commercial formalities are completed before releasing the applied connection in the light of DERC Regulations, 2017.

11. 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
04.03.2025