

**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. 57/2024**

(Against the CGRF-BYPL's order dated 24.10.2024 in Complaint No. 343/2024)

**IN THE MATTER OF**

**Smt. Isha**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

Appellant: Shri Vinod Kumar, Counsel of the Appellant

Respondent: Ms. Pragya Paliwal, DGM, Shri Nishant Chauhan, Sr. Manager,  
Ms. Chhavi Rani & Shri Rizwan Khan, Legal Retainers and Shri  
Akash Swami, Advocate, on behalf of –BSES-BYPL

Date of Hearing: 03.03.2025

Date of Order: 04.03.2025

**ORDER**

1. Appeal No. 57/2024 dated 04.12.2024 has been filed by Smt. Isha, R/o B-61-A, Plot No. 53, First Floor, Mukund Vihar, Karawal Nagar, Delhi – 110094, through her Advocate Shri Vinod Kumar, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 24.10.2024 in Complaint No. 343/2024.

2. The background of the case is that the Appellant had applied for a domestic electricity connection at the above cited address vide application No. 8006917209. This application was rejected by the Discom on the ground that "new development area required electric sub-station (ESS) space and pending energy dues against CA/Meter Nos.35626855 & 17098800. As a result, the Appellant filed a complaint with the CGRF-BYPL, contending that she had purchased only 57. Sq. yds. plot, out of the total 1016 sq. yds. of Khasra No. 12/18, Mukund Vihar, Karawal Nagar, through a sale-deed on 18.10.2023, and was not a 'Developer'. The Appellant further stated that



on account of limited plot area, she was unable to provide any space for Electric Sub-Station (ESS) and requested for the release of the electricity connection.

3. The Discom, in its reply submitted that as per Regulation 22 of DERC's Supply Code, 2017 read with Clause 6 of Schedule for charges and procedure (7<sup>th</sup> Amendment) order dated 01.08.2023, either developer or applicant has to provide required space for the installation of ESS. Therefore, the Discom raised objection to the applied connection requested by the Appellant. In addition, there were outstanding dues on the applied premises against CA Nos. 101446638 amounting to Rs.8,950/- and 100053033 amounting to Rs.1,34,470/-. The Discom provided all the relevant documents to support its claim before the Forum.

4. The Appellant contended that she is the owner of 57 sq.yds. area only, and not a developer, and, therefore, unable to provide the required space for ESS. Regarding the outstanding dues, the Appellant submitted that there are three live connections vide CA Nos. 101446638, 100053033 and 101442774 which existed on the other portions of the same building. Out of these, two connections are those against which the Discom has shown outstanding dues, as one of the reasons for rejecting her application for release of a new connection to her.

5. The CGRF-BYPL in its order dated 24.10.2024, considered that the premises in question, B-61-A, Plot No. 53, is a big plot having area of approx. 1016 sq. yds. The developer has done plotting into small plots, and the complainant owns only a 57 sq. yds plot. There is no LT network, therefore, Discom was not in a position to grant electricity connection to the complainant. With regard to three electricity bills submitted by the complainant, two were energized in the years 2002 and 2008, respectively, while the details of the third connection were not available. Subsequently, the Forum ordered that the required space was neither provided by the Appellant nor the developer, hence, the Discom was not be in a position to grant a new connection to the Appellant. To obtain a new connection, the complainant has to fulfill the requirement of providing ESS space, as per Regulations, and rejected the complaint.

6. The Appellant, aggrieved by the Forum's order dated 24.10.2024, , has filed this appeal and reiterated her stand as before the Forum. The Appellant contends that the entire area is electrified thorough HVDS and LT network, and, therefore, Regulation-22 is not applicable in her case. Moreover, several domestic & non-domestic connections were recently installed by the Discom on the nearby plots having area of 1000sq. yds. To support her contention, she has submitted copies of relevant bills with her appeal.



The Appellant has requested for (a) to set-aside the CGRF-BYPL's order, (b) to direct the Discom to release the connection applied for and (c) to award a compensation for mental and physical harassment.

7. The Discom, in its reply to the appeal vide letter dated 23.12.2025 has submitted that the entire case is a dispute between the Developer and the Owner of the plot. According to Regulation 22 of the DERC's Supply Code, 2017, the responsibility for providing the land for the ESS does not fall under the ambit of the Licensee (Discom) but lies with the developer or the applicant. Therefore, the Licensee (Discom) cannot be forced to provide any connection in contravention of the applicable regulations. Furthermore, as on date, there were dues pending against CA Nos: 100053033 and 101446638 amounting to Rs.37,419/- and Rs.4,730/- respectively. Therefore, upon fulfilling both the conditions, the Appellant can submit a request for release of the connection in consonance with the applicable regulations.

8. The appeal was admitted and fixed for hearing on 03.03.2025. During the hearing, both the parties were represented by their representatives/advocates. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

9. During the hearing, the Advocate appearing for the Appellant submitted that a new connection applied for was rejected since ESS was not provided. It is not in dispute that only 57 sq. yards of plot out of 1016 sq. yards was in possession of the Appellant and three meters were existing there on the remaining portion of the plot. In this background, the Appellant could not provide space for ESS installation. The Appellant also invited attention to one open space already existing, adjacent to existing transformer as mentioned in the photographs submitted in this regard. The photographs were taken on record for examination and action by the Discom.

10. In rebuttal, the Advocate appearing for the Respondent reiterated its written submission with respect to space for ESS. In response to a query by the Ombudsman, the Discom informed that the requirement for space of ESS is about 30 sq. meters. It was, therefore, pointed that it is practically impossible to provide the requisite space for ESS by the Appellant since it would result in usurping the entire plot.

Further, some queries were raised by the Advisor (Engg.) namely, (i) the two connections are live in the said plot, from what kind of network these have been energized, i.e. through HVDS or LVDS, (ii) What is length of service cables of existing connections?, (iii) What is distance of the premises in question from HVDS/LVDS pole?, (iv) Has any letter been written to land lord to provide sub-station space for electrification by the Discom, when plotting was being done?, (v) How the mentioned 7



nos. of connections were provided during July to September, 2024, in the plot of 1000 sq. yards area without seeking space for ESS? Officer present submitted that the connections were provided through LVDS network, while the length of the service cable is 15 meters approx. and the distance of LVDS is 60-70 meters approximately. However, no convincing response could be provided for the remaining queries. Respondent further submitted that the distance of the referred site / transformer from the applied plot is 300 meters approx.. The Officer present also could not explain as to when plotting was taking place since one year, why no notice was issued to the developer, as per requirement of the Regulation 22 of DERC Supply Code, 2017 for granting space for ESS.

One other issue in the case pertained to demand of dues for two existing live connections. Advisor (Law) raised a query as to when there are two independent live connections already existing on the plot, where was the requirement of new ESS space when the existing space could have been utilized for providing the applied connection. It also came to light that those connections had been released many years ago. Therefore, the dues on those connections could have no bearing on the applied for connection and could not be recoverable from the new applicant who had no relation, whatsoever, with those premises where the connections existed.

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

- (a) The issue is about denial of applied connection on first floor, in the light of the requirement of space of ESS and energy dues pending against CA Nos. 101446638 and 100053033. The Appellant had purchased 47.65 sq. mt. (57 Sq. Yards) out of the 1016 sq. yards, B-61/A, Plot No. B-53, Khasra No. 12/15 in village Karawal Nagar, Gali No. 1, Mukand Vihar, through a registered sale-deed on 08.10.2023.
- (b) The existence of pending dues on property confirms existence of earlier connections on the property, apart from other existing connections on the total plot as pointed out by the Appellant. The Appellant has disputed the pending dues as pertaining to other portions. There is no justification for discrimination with the Appellant, when the occupants of other portions of the building constructed on the plot enjoy electricity without any liability to provide space for ESS.
- (c) The Discom and CGRF have relied upon the provision of Regulation 22 of DERC's Supply Code, 2017, which enjoin upon the Developer/Applicant to provide space for ESS.




- (d) The detail of the developer and space provided for other connections is not borne from the record.
- (e) There is no relation of dues of CA Nos. 101446638 and CA No.100053033 with the Appellant, as both are live connections are installed in the name of Shri Jayant, R/o B-61/B, Kh. No. 12/18 and Shri Bal Mukund, Village Karawal Nagar, respectively. This is also indication of the presence of network in the area.
- (f) The area of the Appellant's premises is 57 Sq. Yds, therefore, not covered under 7<sup>th</sup> Amendment order dated 01.08.2023 issued by the DERC.
- (g) In case any system augmentation is required then the Discom can initiate the same as per Regulation 11(4) – New Connection, of DERC's Supply Code, 2017.

12. In the light of the above, this court directs as under:

- (i) The order passed by the CGRF-BYPL is set-aside.
- (ii) Discom is directed to release the new connection from the existing network upon completion of commercial formalities, and without any demand for payment of outstanding dues.
- (iii) An amount of Rs.2,000/- be provided as compensation to the Appellant, to be adjusted against the bills, for the harassment caused to her, in the interest of justice and fair play.

13. 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