

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. 63/2024

(Against the CGRF-BYPL's order dated 21.11.2024 in Complaint No. 250/2024)

IN THE MATTER OF

Smt. Umme Sumaiya

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Sajid Ali, spouse of the Appellant along with
Shri Neeraj Kumar, Advocate

Respondent: Ms. Shweta Bist, DGM, Ms. Chavvi Rani, Legal Retainer and
Shri Akash Swami, Advocate, on behalf of BYPL

Date of Hearing: 16.04.2025

Date of Order: 17.04.2025

ORDER

1. Appeal No. 63/2024 has been filed by Smt. Umme Sumaiya, R/o R-244, Gali No. 11, Ramesh Park, Laxmi Nagar, Delhi – 110092, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 21.11.2024 in Complaint No. 250/2024.

2. The background of the case is that the Appellant had applied for six domestic electricity connections for various floors at the above mentioned address vide Order Nos. 8006810610, 8006813536, 8006813521, 8006813553, 8006818959, & 8006818965. The Discom rejected these applications on the ground that (i) "address is in the MCD List (at Sl. No.4), for unauthorized construction in the shape of deviation against the Sanctioned Building Plan (SBP) at the Basement, Stilt, Ground Floor, First Floor, Second Floor, Third Floor and projection on MPL land", (ii) dispute at the site and (iii) the building's height is more than 15 meters. In response, the Appellant filed a complaint before the Forum, submitting that all the objections raised by the Discom were without any basis and requested the release of connections in the interest of justice.



3. The Discom's submission before CGRF was that the Appellant had applied for six new electricity connections at the applied address, as per details given below:

S.No.	Order No(s).	Floor
1	8006813521	Basement
2	8006813536 (NX)	Ground Floor
3	8006813553	Upper Ground/First
4	8006818959	First Floor
5	8006818965	Second Floor
6	8006810610	Third Floor

Upon site verification, it was found that the building structure consists of basement + ground floor + upper ground floor and three floors over it. Additionally, one connection bearing Meter No.552311839 was found installed at the subject premises/building. The applied connections were rejected on the basis of MCD's letter No. EE(B)-II/Sh(s)/2023/D-2050 dated 06.12.2023 addressed to CEO, BYPL, wherein building in subject was mentioned as unauthorized construction at Sl. No. 4. On 20.03.2024, the Appellant submitted a Building Completion Certificate issued by the MCD, which has been forwarded to the MCD for verification, however, no response had been received till date. Furthermore, the site plan submitted with 'BCC' is not legible. The Discom further submitted that a Writ Petition (C) 11885/2023 in the case of Naim Khan vs. MCD & Others, regarding property dispute was also filed in the High Court of Delhi and disposed off on 06.09.2023. During the proceeding, the Counsel for the MCD recorded/submitted that the subject property had already been booked on 16.08.2023, and attempts to carry out demolition had been made on two occasions but could not be undertaken due to non-availability of police force. The Counsel also stated that action will be taken in terms of demolition order within eight weeks after lifting of the Graded Response Action Plan (GRAP) restrictions. Therefore, no new connection could be released till response gets received from the MCD.

4. The CGRF-BYPL, in its order dated 21.11.2024 observed that even after the order was passed by the High Court of Delhi, the complainant got Building Completion Certificate dated 14.03.2024 from the MCD, after payment of requisite fee (proof of document placed on record). MCD neither demolished the building nor made any mention in the 'BCC' as to how MCD circumvented the High Court of Delhi's order. The Discom tried twice to get confirmation regarding the 'BCC' but is still pending for verification. It seems that the MCD's officials issued the 'BCC', in violation of High Court of Delhi's order, which amounts to contempt of Court. As a result, the Forum was not inclined to grant any relief and dismissed the Appellant's complaint.



5. The Appellant, dissatisfied by the order dated 21.11.2024, passed by CGRF-BYPL, has filed this appeal and reiterated her submissions as before the Forum. The Appellant main contention is against Point Nos. 7 & 8 of the CGRF's order, asserting that the High Court case has already been disposed off. Consequently, a new water meter bearing K. No. 4540996504, has been released by the Delhi Jal Board in her name. The petitioner, Shri Naim Khan, who filed a case against her, has also given his consent for release of the connections in her name. The Appellant has requested for the release of new electricity connections applied for on priority.

6. The Discom, in its written submission dated 22.01.2025, reiterated the facts placed before the CGRF-BYPL. In addition, the Discom submitted that the Appellant's reliance upon the alleged 'BCC' (ID No. 10114655 dated 14.03.2024) is completely misconceived as till date they have not received any verification from the MCD. Further, the architect, Nupur Verma is listed by the MCD's as debarred at serial no. 6. Therefore, both these circumstances make the alleged 'BCC' bad in law. Therefore, no new connection be granted, as the connection applied for non-domestic purpose, also requires a 'NOC' from Fire Department due to height of the building being more than 15 meters. With regard to connection bearing meter No. 55231839 which exists at the applied premises, the Discom submitted that it was inadvertently recorded, however, the said meter pertains to the adjacent left side premises (No. 243).

However, it is to mention that the Architect's name on the certificate is Sanjay Sharma, and not Nupur Verma, as claimed by the Discom.

7. The appeal was admitted and fixed for hearing on 16.04.2025. During the hearing, the Appellant was represented by Shri Sajid Ali along with Shri Neeraj Kumar, Advocate, and the Respondent was represented by its authorized 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.

8. During the course of hearing, the Advocate representing the Appellant reiterated the contentions as in the appeal. It was submitted that although the Building Completion Certificate (BCC) dated 14.03.2024, issued by the MCD after the payment of the requisite fee, the applied connection had not yet been released by the Respondent. The Ombudsman invited attention to the demolition order passed by the MCD on 21.09.2023, as well as the order dated 20.11.2023 passed by the Delhi High Court, taking note of the attempts made by the MCD for demolition which could not succeed for want of police force. Accordingly, though MCD made efforts for demolition on two occasions in October, 2023, the spouse of the Appellant present admitted that no demolition by the MCD had taken place. Further, the question, therefore, arose as to when no demolition of



the unauthorized construction had taken place, how the 'BCC' could be issued by MCD on 14.03.2024 after deposit of the fees on the same date. This remained unexplained by the Appellant.

9. In rebuttal, the Advocate appearing for the Respondent submitted that on checking the website and MCD portal, the architect Nupur Verma, who had issued the BCC, was found in the debarred list of MCD. Therefore, verification of the 'BCC' from MCD was necessary for releasing the requisite connection. However, the MCD has not sent any response despite communications sent to them. The relevant document downloaded from MCD website was produced and taken on record.

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

- (a) MCD booking vide letter dated 06.12.2023 (SL. No. 4) in the name of the Appellant is a matter on record. Demolition orders dated 21.09.2023 could not be implemented and taken note of by Delhi High Court, in its order dated 20.11.2023 in WP(C) 11885/2023 (Naim Khan vs. MCD & Others).
- (b) The 'Building Completion Certificate (BCC)' issued on 14.03.2024, was sent to MCD for its verification, by the Discom.
- (c) The Architect Certificate dated 16.07.2023 issued mentions height of building up to third floor is approx. 15 meters. This certificate is in contradiction to MCD booking and demolition order. It was not available on the date of issue of 'BCC'.
- (d) The property in question was booked under unauthorized construction in shape of deviation against SBP at Basement, Ground, First, Second and Third Floors & projection on MPL land vide MCD's letter EE(B)-II/Sh(s)/2023/D-2050 dated 06.12.2023 sent to CEO, BYPL.
- (e) The High Court of Delhi in its order dated 20.11.2023 (WP(C) 11885/2023) in the case of Shri Naim Khan vs. MCD has ordered that "the property has been booked on 16.08.2023 and Shri Chetan, Counsel of MCD submitted that a demolition order has been passed on 21.09.2023 and demolition action was attempted on 18.10.2023 and 21.10.2023, but could not be taken place due to non-availability of police force, and action will be taken in terms of demolition order within eight weeks time after lifting of GRAP and accordingly petition was disposed off.




- (f) There is nothing available on record to show that the required demolition was undertaken subsequent to 21.10.2023.
- (g) 'BCC' was issued on 14.03.2024 against File No. 10114655, on the same date when the completion fee was deposited. This creates a doubt about genuineness of 'BCC'.
- (h) Since the High Court of Delhi, had ordered demolition of unauthorized portion of the building in its order dated 20.11.2023, therefore, 'BCC' issued by MCD comes under cloud and, therefore, order of the CGRF needs to be upheld.
- (i) It is an admitted fact that there is no demolition was carried out at the applied premises, which raised an issue on the validity of the 'BCC' on record.

11. In the light of the above, this court is of considered view that there is no merit in the appeal, and, therefore, it is dismissed. The order passed by the CGRF-BYPL is upheld.

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 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
17.04.2025