

**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**  
(Phone-cum-Fax No.: 011-26144979)

**Appeal No. 12/2024**

(Against the CGRF-BYPL's order dated 06.12.2023 & 16.04.2024 in Complaint No. 160/2023 and R.A. 01/2024 respectively)

**IN THE MATTER OF**

**Shri Sandeep Kumar & Smt. Sucheta Verma**

**Vs.**

**BSES Yamuna Power Limited**

Present:

Appellant: Shri Shanky R. S. Gupta, Authorized Representative

Respondent: Shri Deepak Singh Verma, Senior Manager, Shri Akshat Aggarwal, Legal Retainer and Ms. Ritu Gupta, Advocate, on behalf of BYPL

Date of Hearing: 26.06.2024

Date of Order: 27.06.2024

**ORDER**

1. Appeal No. 12/2024 received 29.04.2024 has been filed by Shri Sandeep Kumar Verma & Smt. Sucheta Verma, R/o D-6, Block -D, Naveen Shahdara, Delhi – 110032, through their authorized representative, Shri Shanky R S Gupta, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 06.12.2023 and dated 16.04.1024 passed in Complaint No. 160/2023 and Review Application No. 01/2024, respectively.

2. The background of the case is that the Appellant sought five (5) electricity connections at the above-cited property for the different floors, but the same were rejected by the Discom vide its "deficiency notice" letter dated 22.05.2022 mentioning the deficiencies as:- (i) As per Regulations 11(2)(iv) and 11(2)(viii) of DERC's Supply Code, 2017, removal of a temporary connection meter is required that was energized



on 21.07.2020 for construction purposes, (ii) Separate dwelling unit does not exist, and (iii) premises/building under MCD's objection list. The Discom further submitted that an Executive Engineer, East Delhi Municipal Corporation (EDMC) also sent a letter dated 03.08.2021 to CEO-BYPL for disconnection of 15 (fifteen) properties, in which the Appellant's premises is shown at S. No. 4 and the Discom sent a letter dated 11.08.2021 to EDMC to fix up the joint action plan for inspection and to take action.

3. However, the Appellant's claim before the Forum was that despite the submission of relevant documents, viz., the sanction building plan, MCD House tax payment receipts, the loan taken against the property, and the fee deposited for availing of the sanction building plan, the connections were not released by the Discom. The Appellant cited various courts' orders in respect of the release of the electricity connection along with one order dated 29.05.2023 passed by CGRF-BYPL in the case of Inder Chawla vs. BYPL, wherein the Discom was directed to release the electricity connection after obtaining an undertaking of booked property, but the Discom filed a petition WP(C)7620/2023 in the High Court of Delhi. The High Court of Delhi stayed the order, and the matter is still pending in the court for final orders.

4. The CGRF-BYPL, in its order dated 06.12.2023 held that the Respondent rightly rejected the case. However, if in future, the complainant submits the 'Building Completion Certificate' from the concerned authority, Discom was directed to release the new connections to them.

5. The Appellant again filed a review petition vide No. RA.01/2024 dated 09.01.2024 before the CGRF, which was dismissed on 16.04.2024, as not pressed by the representative of the complainant.

6. Not satisfied by the order dated 06.12.2023 passed by the CGRF-BYPL, the Appellant preferred this appeal and reiterated his submissions as before the Forum. The Appellant's main submission is that the sanctioned building plan neither deviated nor was cancelled on the MCD's official website. Secondly, the building is constructed as per building bye-laws and not merged in any manner as claimed by the Discom. Thirdly, the professional who released the sanctioned building plan is not debarred/removed from the empanelled MCD's list, and lastly, till date, he has not received any response from the MCD to any of the representations made by him in respect of confirmation regarding authorization of the premises in question. Further, it is one of the contention of the Appellant that the Respondent has resorted to a pick-and-choose policy and has not complied with the provision of Regulation 53(2) of DERC's Supply Code, 2017, and, therefore, no disconnection has been carried out in respect of the buildings, whose names are on the MCD's objection list. The Appellant, in support of his contention, submitted all the relevant documents, viz; sanction building plan,



receipt of building plan fee, status of plan in MCD's portal, along with the appeal. The Appellant also referred to the Ombudsman's order dated 09.02.2024 passed in the matter of Shri Imran Khan vs. BYPL and the High Court's judgements in support of his case.

The Appellant has accordingly prayed before this Court (i) to direct the Respondent to release the electricity connections by any of the mediums, either prepaid or postpaid meters and (ii) keeping in view of the facts and circumstances of the matter, the Appellant can file an indemnity bond, if in future MCD take any action, the Respondent has the liberty to disconnect the electricity supply as per law.

7. The Discom, in its written submission dated 16.05.2024 to the appeal, reiterated the same version as before the Forum. The Discom also submitted all the relevant documents, viz; EDMC's letter dated 03.08.2021 and its subsequent reply to the EMCD dated 11.08.2021, deficiency letters to the Appellant dated 22.05.2022, etc. In addition, Discom's main submissions are as under:

(a) In its support, Discom quoted the judgement passed in May 2023, by the Supreme Court of India in the case titled - "K.C.Ninan vs. Kerala State Electricity Board & Ors." in Civil Appeal No. 002109-002110 of 2004, in its written statement, wherein the Court emphasized that the duty under section 43 of Electricity Act, is not absolute but subject to such charges and compliances stipulated by the Distribution Licensees as part of the application. The Applicant has to undertake that the building has been constructed as per prevalent building bye-laws.

(b) The issue involved is that the MCD booked the premises for unauthorized construction and not for ownership. Therefore, 'BCC' is required to establish that the subject premises is built as per the sanction plan.

(c) Regarding the disconnection of electricity connections which were on the MCD's objection list, the Discom submitted that the same comes into operation when a special task-force is formed by the MCD, consisting of their officials, officials of police/Discom and other concerned authorities. As such, it is denied that action of Discom (of not giving connections to the Appellant) amounts to discrimination.

8. The appeal was admitted and taken up for hearing on 26.06.2024. During the hearing, the Appellant was represented by Shri Shanky R.S. Gupta. The Respondent was represented by its authorized representatives. An opportunity was given to both the parties to plead their respective cases at length.



9. During the hearing, the Counsel appeared for Appellants, reiterated their submissions as in the appeal with prayer. The Counsel denied for any amalgamation in the building. Despite various communications sent to MCD, no response regarding present status of the building has been received, which caused unnecessary harassment to the Appellant. The Counsel requested to consider all the points raised in the appeal and sought for next date of hearing as a case of similar subject matter is pending before the High Court which may help his case while clarifying the MCD booked premises.

10. In rebuttal, Counsel appeared for Respondent submitted that the Appellants are required to submit the 'Building Completion Certificate' or 'No Objection Certificate' from the MCD for releasing of requisite connection. In case, no response is received from the MCD, the Appellants can file a complaint before the Appellate Authority in MCD.

11. Having taken all factors, written submissions and arguments into consideration, it is apparent that:

- (a) Pursuant to a gift transaction on 27.07.2020, by Smt. Sanyogita Rani w/o Late Darshan Kumar Verma, in favour of her sons and daughter, two portions of the property No. D-6, devolved upon Sandeep Kumar Verma & Sucheta Verma and Kapil Dev Verma & Sapna Verma out of the total area of 218.07 sq.meter/260.81 sq. yards. Subsequently, sanction building plan No. 10079960 dated 21.11.2020 in favour of Shri Kapil Dev Verma & Smt. Sapna Verma and No. 10079922 dated 24.11.2020 duly signed by A.E (Building) HQ., EMCD, were issued in favour of Shri Sandeep Kumar Verma & Smt. Sucheta Verma.
- (b) The MCD vide its letter dated 03.08.2021 requested CEO, BYPL to disconnect electricity connection since the property D-6, Naveen Shahdara had unauthorized construction in the form of deviation from sanction building plan and also amalgamation of both properties from stilt floor to second floor.
- (c) Discom issued deficiency for violation of Regulation 11(2)(viii) and also the MCD's notice for unauthorized construction.
- (d) Several petitions have been filed by BSES as WP(C) 7618, 7619, 7620, 7621 and 9637 of 2023 before Delhi High Court challenging CGRF's order (in the case Inder Chawla & Another, and Others) and raising the issue of electricity supply and disconnection of electricity in respect of properties with deviations/unauthorized construction. DERC has also been made a

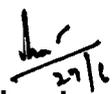


Respondent in this case. The matter will now come up before High Court on 09.07.2024. It is also to be placed on record that Appellant has not made any self rectification in the unauthorized construction nor the Appellant has taken up the same with MCD.

- (e) The Discom is required to comply with the provision of Regulation 11(2)(iv) and cannot allow energization in violation of the provisions of the Act, Electricity Rules, Regulations, etc.

12. In the light of the above discussions and relevant documents of DERC's Supply Code, 2017, this Court tend to concur with the view of CGRF-BYPL and order given by the CGRF is up-held. It is open to the Appellant to approach the MCD for issue of 'building completion certificate' or 'No Objection Certificate' and, thereafter, approach Discom afresh for release of the applied connections.

The case is disposed off accordingly.

  
(P.K.Bhardwaj)  
Electricity Ombudsman  
27<sup>th</sup> June, 2024