

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. 23/2025

(Against the CGRF-BYPL's order dated 08.04.2025 in Complaint No. 299/2024)

IN THE MATTER OF

Shri Ved Prakash Batra & Smt. Seema Batra

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Ved Prakash Batra & Smt. Seema Batra along with their authorized representative Shri Shanky Gupta

Respondent: Shri Akash Swami, Advocate, on behalf of BSES-BYPL

Date of Hearing: 06.08.2025

Date of Order: 11.08.2025

ORDER

1. Appeal No. 23/2025 dated 30.04.2025 has been filed by Shri Ved Prakash Batra & Smt. Seema Batra, R/o Part of Plot No F-14, Mansarovar Park, Shahdara, Delhi - 110032, through their authorized representative Shri Shanky Gupta, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 08.04.2025 passed in Complaint No. 299/2024.

2. The background of the case is that the Appellants had applied for five domestic connections at the different floors of the building situated at F-14, Mansarovar Park, Shahdara, Delhi - 110032, as details given hereunder.



S. No.	In the name of	Floor(s)
1.	Ms. Seema Batra	For Parking (at Ground Floor)
2.	Mr. Ved Prakash batra	Upper Ground Floor
3.	Mr. Ved Prakash batra	First Floor
4.	Ms. Seema Batra	Second Floor
5.	Ms. Seema Batra	Third Floor

However, the Discom (Respondent) has denied these connections on the grounds that the building in question was booked by MCD vide their "Deficiency Notice" dated 15.04.2024.

3. In response, the Appellants filed a complaint with the CGRF-BYPL contending that the premises where connections were applied was not booked by the MCD vide list dated 06.12.2021. The Appellants personally visited the MCD's office to confirm whether the subject premises had been booked in their names, but found that there was no such booking for either his name or his wife's name. In fact, the booking was in someone else name, i.e. Shri Mohd. Adil. Further, Plot No. 14 measuring 150 sq. yards has been sub-divided into three equal size plots of 50 sq. yards each, and the subject premises is a Part of Plot No. F-14, Mansarover Park, Shahdara, Delhi. The reasons for the denial of the connections applied for were neither justified nor relevant. There is no mention of Shri Mohd. Adil, in the Appellants' property papers or back chain, which clearly separates the Appellant's premises from the MCD's objection list. In fact, the Appellants have approached the MCD vide their Grievance No: DOCAF/E/2024/0002345 on Central Government Portal (CGP), but have not yet received any reply. Therefore, they were ready to give an undertaking that if MCD takes any action on their building for unauthorized construction, in future, BSES-YPL can disconnect the electricity supply, as per the law.

4. The Appellants further submitted that the Discom has energized electricity connections in many similar cases where the property is divided into 3 -4 equal parts and booked in the name of other persons with details. The Appellant also referred to the Ombudsman's order dated 07.02.2024 in Appeal No. 49/2023, in the case of Shri Imran Khan Vs. BSES-BYPL, whereby the Discom was directed to release the connection if the MCD does not reply to the Discom within fifteen days regarding the issuance of 'BCC'. The Appellants prayed for the release of the connections, mentioning the dictum under Article 21 of the Constitution of India – "Right of Life - Right to Electricity". To support their contention, the Appellant submitted all the relevant



documents before the Forum, which were taken on record. To support their claim, the Appellants further referred the matter of Shri Mukesh Kumar Gupta Vs. BSES-BYPL, however, the same was not relevant to this case.

5. The Appellants have submitted a rejoinder includes a list of six connections, which were provided by the Discom in other part of the Plot No. F-14, Mansarovar Park, alleging that there is pick and choose policy in providing/releasing these connections, and also, connections being provided to the premises/buildings booked by the EDMC, without proper documents, and merely on 'NOC' basis. Whereas, the Appellants have submitted valid property chain documents, yet they have been deprived of connections.

6. The Discom's submission was that the Appellants had applied five connections for the premises/building, in question, which were denied on various grounds. Firstly, the applications were rejected in accordance with the directions from the MCD vide its letter No: EE(B)-II/SH-N/2021/D-816 dated 06.12.2021 (File No. 153/B-II/UC/SH-N/2021 dated 22.11.2021), which clearly mentioned the address at S. No. 13 in the name of Shri Adil – "U/c in the shape of G.F., F.F., S.F., T.F. & Fourth Floor with projections on Mpl. Land (Area + 50 sq. yards approx.)". The Discom also submitted a Site Re-visit Report dated 18.03.2025 and 19.03.2025 before the Forum. Secondly, the Appellant did not provide the NOC/BCC/Architect Certificate, to confirm that the building was constructed in accordance with the DERC's Supply Code, 2017. Thirdly, according to the Rule 11(2)(iv)(c) of the DERC's Supply Code, 2017 – which stated that "the energization would be in violation of any provisions of the Act, Electricity Rule, Regulations, or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders. With regard to objection list circulated by the MCD, the Discom also relied upon various judgements passed by the High Court of Delhi viz; Pashimanchal Vidyut Vitran Nigam Ltd. & Ors. Vs. DVS Steels and Alloys Pvt. Ltd. (2009) 1 SCC 210, BSES Rajdhani Power Ltd Vs. Saurashtra Color Tones Pvt Ltd. (AIR 2010 DEL 14 and Ms. Azra Vs. The State (GNCT of Delhi) & Ors (WP(C)-2453/2019).

7. The CGRF-BYPL, in its order dated 08.04.2025, considered that although the complainant pleaded that his portion (applied premises) is different from the booked portion, but has not provided any details in support of their claim. Consequently, new connection applied by the complainant cannot be granted, and they have to submit a 'Building Completion Certificate' from the Municipal Corporation of Delhi. If the complainant submits the 'Building Completion Certificate' in future, the Discom could release them new electricity connections, provided that fulfillment of all other required formalities.

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8. The Appellants, not satisfied by the CGRF-BYPL above mentioned order, have filed this appeal reiterating the same as placed before the Forum. In addition, the Appellants submitted that they have produced documents related to back chain of the property/premises, in which it is clearly mentioned that Plot No. F-14, was divided into three parts of 50 sq. yards each. The MCD has not specified any booking related to Plot No: F-14, Mansarovar Park, Shahdara, Delhi, hence, a clarification in respect of the booked property be obtained from them. In case, there is no reply received within 15 days, the connections should be released to the Appellants, as was directed by the Ombudsman in the matter of Shri Imran Khan vs BYPL, as mentioned in point '4' supra.

The Appellants requested for (a) to set-aside the CGRF-BYPL's order dated 08.04.2025 and (b) to direct the Discom to release the five connections applied for.

9. The Discom, in its written submission dated 26.05.2025 to the appeal, reiterated the facts as placed before the CGRF-BYPL. In addition, the Discom asserted that MCD booking is established and pertains to the same building, which can be discredited, if the Appellant furnishes a valid, legal and verifiable 'BCC' issued by the MCD. Presently, there is no doubt regarding the validity of the MCD's booking. The Appellants' plea that there are multiple premises at the same address is completely bogus as the booked premises and the Appellant's premises is having the identical structure/size, which further strengthens the factum of the MCD's booking. Moreover, the Appellants are also trying to set up another unsubstantiated and unfounded plea of multiple connections released in the same area, while the K. No. files clearly show that these connections were energized before the MCD's booking.

10. The appeal was admitted and fixed for hearing on 16.07.2025, but postponed to 23.07.2025 and again for 06.08.2025, on the request of the authorized representative of the Appellants. During the hearing, the Appellants were present along with their authorized representatives and the Respondent was represented by their advocate. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman, Advisor and Secretary, to elicit more information on the issue

11. During the hearing, the Appellants' authorized representative stated that the issue regarding release of electricity connections for premises booked in Delhi by the MCD due to unauthorized constructions is currently pending for adjudication in the Delhi High Court. The case was last listed on 05.08.2025 and reserved for the order on 28.08.2025. However, the copy of order-sheet of hearing held on 05.08.2025 will be uploaded within two days on the Court's website. He also requested the Ombudsman to postpone this matter till that date. The Ombudsman instructed him to produce the order-



sheet of the aforementioned case by 08.08.2025 by 4.00 PM, for review, to which he agreed.

The Appellants further reiterated their written submission as well as prayers, contending that the property situated at F-14, Mansarovar Park, Shahdara, Delhi, is divided into three equal plots of 50 sq. yards each. They have been residing in one of these portions, measuring 50 sq. yards only, for the last ten years. In response to the Ombudsman's query about how they manage to live without electricity, they submitted that there was previously a temporary connection for construction purposes since 2021. After the building was completed, they approached the Discom for regular electricity connections in 2024. The Discom informed them they needed to first surrender the temporary connection before applying for the new connection/s. After surrendering/disconnecting the temporary connection, they applied for new connections, however, the Discom rejected their requests on the pretext that the building was booked by the MCD's for unauthorized construction. According to the Discom, the property/premises bearing No. F-14 was booked by the MCD for unauthorized construction in the name of Shri Mohd. Adil, and not in the name of Shri Batra (the Appellant). There is no specific address mentioned in the MCD's objection list. Although, they have already submitted documents related to complete back chain ownership of the property, in question, none of these documents reflect the name of the current owner (the Appellants). Furthermore, except their portion, the occupants of the other two portions of the same property are enjoying electricity connections.


12. In rebuttal, the Advocate appearing for the Respondent submitted that any order passed by the Court is always prospective in operation rather than retrospective. The issue of non-release of connections in unauthorized premises has already been decided by the High Court as well as the Supreme Court in a number of cases, such as, M/s Parivartan Foundation vs. South Delhi Municipal Corporation & Ors. (WP(C) 11236/2017) and Rajendra Kumar Barjatya & Another Vs. U.P. Avas Evam Vikas Parishad & Ors. (Civil Appeal No. 14605 of 2024 - SLP (C) No.1184 of 2015), hence, no credence can be given to the submission made by the Appellant, in light of the already settled law and provisions of the regulations.

13. Regarding the other portions of the same property that have electricity connections, the Ombudsman clarified to the Appellants that the law has already been settled by the Delhi High Court in the case of Ms. Azra Vs. The State, GNCT of Delhi & Ors. in the WP(C)-2453/2019, which states that the court cannot be a party to a continuing wrong. Therefore, if other connections stands released in other premises, the same cannot be a ground for the Ombudsman to intervene and grant relief.



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

- (i) It is clear from the property documents that Plot No. F-14, Mansarovar Park, Shahdara, constructed portion of 150 sq. yards, was purchased by late Smt. Sarla Kumari as per relinquished deed dated 19.08.2002 and subsequently this property changed hands through General Power of Attorney to three different persons.
- (ii) One portion of F-14, was purchased on GPA by Smt. Seema Gupta on 19.08.2002 having single storey constructed portion of property of F-14, Mansarovar Park, Shahdara, known as F-14 A. This portion was further constructed and converted into floors system, and Smt. Seema Gupta gave 'NOC' in favour of Ms. Nishi Gupta, Shri Sanjay Gupta and Shri Vinay Gupta, to obtain connections and the same were energized on Ground Floor, First Floor, Second Floor and Third Floor at F-14 A in 2013, which was also in contravention of Rule 15(1) of the DERC's Supply Code, 2007.
- (iii) Second portion was purchased by Smt. Seema Batra from Smt. Rekha Gupta on 13.10.2009, measuring area of 50 sq. yards, with only single storey, known as F-14, where five new connections were sought in 2024 after fifteen years of the sale-deed.
- (iv) The third portion was purchased by Shri Prashant Garg, 50 sq. yards single storey constructed in the part of F-14, later known as F-14 A with proper registered sale-deed from Smt. Shanti Devi, when Discom has provided temporary connection for construction purpose on 24.03.2021.
- (v) Property No. F-14 in question was booked for unauthorized construction on 06.12.2021. Whereas all six connections provided in F-14A were before MCD booking. The last connection was provided in premises No. F-14 A, on 22.10.2021 in favour of Shri Vinay Gupta for ground floor.
- (vi) Property registered documents of Ms. Seema Batra clearly mentioned address F-14, Mansarovar Park, Shahdara, which is identical in booking.
- (vii) Temporary connection provided in favour of Shri Prashant Garg at F-14 A, for construction purposes on 23.03.2021, is still running at site, while subsequent report of dated 26.06.2025 of Discom, clearly state that building construction has been completed and families living at all floors.

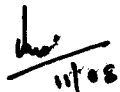


15. On 08.08.2025, an e-mail was received from the authorize representative of the Appellants enclosing the Order-sheet dated 05.08.2025, issued by the Delhi High Court. The Order-sheet does not reflect any cogent order with regard to the matter in issue, and re-notify on 28.08.2025 for further arguments. Accordingly, this court directs as under:

- (a) The order passed by the CGRF-BYPL is up-held.
- (b) Discom is directed to release the applied connections, in case the Appellants submits the verified 'BCC' from the MCD in near future, subject to completion of all commercial formalities.
- (c) The temporary connection provided at S.No.14(vii), needs to be reviewed as the purpose (construction) for which the connection was obtained has been achieved. Temporary connection could not continue indefinitely. Similarly connection provided in the property No. F-14 A on 22.10.2021 may also be reviewed as this has been released on the basis of an undated "affidavit" on plain paper which does not find mention in Regulation 10(3) of DERC's Supply Code, 2017, as an essential document for obtaining a connection. The above reviews be completed in two week's time and an action report be submitted, within three weeks.

16. 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
11.08.2025