

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. 34/2025

(Against the CGRF-BRPL's order dated 16.06.2025 in CG No. 29/2025)

IN THE MATTER OF

Shri Vikas Bhushan Gupta

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Vikas Bhushan Gupta, in person.

Respondent: Shri Sudarshan B, DGM, Shri Lalit Mukhriya, DGM and
Shri Shreyk Gupta, Advocate, on behalf of BRPL

Date of Hearing: 15.10.2025

Date of Order: 16.10.2025

ORDER

1. Appeal No. 34/2025 dated 08.07.2025 has been filed by Shri Vikas Bhushan Gupta, having office in M-88, Basement/LGF, Greater Kailash - II, M-Block, New Delhi - 110048, against the Consumer Grievance Redressal Forum – Rajdhani Power Limited (CGRF-BRPL)'s order dated 16.06.2025 in CG No. 29/2025.

2. The background of the case is that the Appellant is a practicing lawyer, having an office at the above mentioned address, which is situated in a residential area, and having an electricity connection bearing CA No. 150027293 for this office. Upon scrutiny of Bill No: 100428829566 dated 10.12.2024, for the month of December, 2024, the Appellant noticed that the Discom has erroneously applied the Tariff Category: Non-Domestic (LT) (upto 10 KW) to his account. Additionally, on review of the previous bills, he has been consistently billed under the same tariff since March, 2010, which is intended for commercial establishments, thereby causing undue financial burden on him. The Appellant claims that the residential nature of the property falls under the domestic tariff,



and being a professional, he is entitled to a domestic connection. Despite the Appellant's numerous efforts to resolve the issue, the Discom has not rectified the tariff categorization nor provided any satisfactory explanation to the Appellant. Subsequently, the Appellant is receiving regular messages from the Discom that failure to pay the bill may result in the disconnection of his electricity supply.

3. As a result, the Appellant approached the CGRF-BRPL, asserting that he is a practicing advocate and cannot be treated as carrying on commercial activity irrespective of whether his chamber or office either is established or situated in his own residence or in any residential building that he rents or owns either in a commercial area, residential colony or any commercial complex. Therefore, the tariff imposed by the Discom is not a correct categorization and it is entirely wrong to apply a tariff that is essentially meant for commercial purposes. To substantiate his claim, the Appellant cited various judgements, viz; V.Sasidharan vs. M/s Peter and Karunakar - MANU/SC/022/1984: (1984) IILLJ385SC, Chairman, MP Electricity Board and Ors. vs. Shiv Narayan and Anrs. - (2005) 7 SCC 283, etc.. The Appellant also relied upon referred Clause 15.8 of the Master Plan of Delhi, 2021, which permits for professional activities from residences and clearly provides that professional activity in basement is permissible in plotted development, subject to the relevant provisions of Building Bye-Laws, structural safety norms and fire safety clearance. Furthermore, the Appellant also placed on record before the CGRF that he had filed a Writ Petition (C) No. 2907/2025 dated 07.03.2025 before the High Court of Delhi, in which, the Discom was restrained from disconnecting the electricity at the Appellant's premises for three weeks from the date of the order. Since then, the Appellant has not filed any other writ for the same relief to any court of law, and he requested the Forum (a) to direct the Discom to change the tariff category from non-domestic to domestic, (b) to direct the Discom to calculate the electricity charges from March, 2010 under the domestic category and refund the excess amount he has paid, (c) to allow him to make payment under the domestic tariff category till the final adjudication of the present application and (d) to grant a stay on the notice dated 24.02.2025 regarding the disconnection of electricity till the pendency of the complaint.

4. The Discom submission before the Forum was that the Appellant has mentioned the address as Lower Ground Floor, while in effect, it is situated in the basement of the building (M-88, Greater Kailash). Further, the Appellant wilfully not disclosed that a non-domestic connection was applied by the then consumer Ms. Daljeet Kaur, for the basement of the premises, which was released on 21.08.1999, and has remained so for decades. The Discom further conveyed that the contention of the Appellant that tariff category has been erroneously applied, as the Appellant himself had applied for name change of connection, installed in the name of Ms. Daljeet Kaur, after purchasing the Office in March, 2010. Therefore, after fifteen years, the request for change of category and refund since March, 2010, was an afterthought and unlawful. The Discom further submitted that the Delhi Electricity Regulatory Commission vide their letter dated



08.04.2024, had issued a clarification to them regarding categorization of electricity supply at basement in residential building that *"if basements are utilized for domestic storage purposes the existing connection in the same building may be extended to provide the supply"*. To support their claim, the Discom submitted all the relevant documents, viz, application for name change.

5. The CGRF-BRPL, in its order 16.06.2025 observed that the complainant is neither residing in the said unit nor utilizing a domestic connection of the residential building at the premises in question. Consequently, his request for a change of category does not qualify under Clause 1(1.1) (p) of the Tariff Order FY 2021-22 for sanctioning under the domestic tariff category. The action taken by the Respondent in the matter, is in accordance with the DERC (Supply Code and Performance Standards) Regulations, 2017, as amended, and is based on the rulings/clarifications issued by the Commission from time to time and denied to direct the Respondent to change the tariff category of CA No. 150027293 from non-domestic to domestic tariff category since March, 2010, and no relief was granted to the Appellant. With regard to the various judgements cited by the Appellant, the Forum observed that these orders are from the Courts in different states and other regulatory commissions, therefore, are not applicable in Delhi, which falls under the jurisdiction of the Delhi Electricity Regulatory Commission.

6. The Appellant, dissatisfied by the order dated 16.06.2025, passed by CGRF-BRPL has filed this appeal reiterating his stand as before the Forum and requested for (a) to convert his electricity connection from non-domestic to domestic category, (b) to calculate the electricity charges w.e.f. March, 2010 under the Domestic Tariff Category and refund the excess amount paid by him and (c) to allow him to make payments under the Domestic Tariff Category, till final adjudication of the appeal.

7. The Discom, in its written submission dated 12.08.2025 to appeal, reiterated the facts as placed before the CGRF-BRPL. In addition, the Discom submitted that the appellant has willfully defaulted in making the payment of the electricity dues and the Discom is duty bound under law to disconnect the electricity connection in case of non-payment from the Appellant. The disconnection notice has been sent to the Appellant after following due process and there is no legal impediment in moving forward with the same and there is no cause to stay its operation. The Discom further submitted that the Forum had taken specific reference to Tariff Order dated 31.07.2019 and stated that since the Appellant is neither residing in the premises nor having any domestic connection in his name, therefore, he does not qualify for the exception provided for professionals as stated in the tariff order.

8. The appeal was admitted and fixed for hearing on 15.10.2025. During the hearing, the Appellant was present in person and the Respondent was represented by its authorized representatives/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.

9. During the hearing, the Appellant reiterated the submissions made in his appeal. The Appellant asserted that several relevant judgments submitted to the CGRF were overlooked by the Forum before the order was issued. Furthermore, the Appellant cited a recent judgment dated 08.10.2025 passed by the Hon'ble High Court of Delhi in the case of B. K. Sood vs. NDMC, to support his claim that his legal profession should not be categorized as a commercial activity. Accordingly, he requested that the category of his electricity connection be changed from non-domestic to domestic. This order presented before the Ombudsman by the Appellant was taken on record. In response to a query by the Ombudsman regarding the delay of almost 15 years in addressing the continuing misclassification of his electricity connection as commercial/NDLT, the Appellant explained that this issue had not been recognized earlier due to the regular bill payments made by his subordinate staff.

10. In rebuttal, the Advocate for the Respondent reiterated its written arguments. Regarding the recent judgment dated 08.10.2025 submitted by the Appellant, he submitted that this judgment is not applicable to the instant matter given the circumstances and in light of the existing DERC's Tariff Structure 2021-22 and clarification dated 08.04.2024.

During the hearing, the Advisor (Engineering)) drew attention to Clause 15.8 of the Master Plan of Delhi, 2021, which pertains to Professional Activity, as well as the DERC's Tariff Order for FY 2021-2022, which refers to sub-clause 1.1 (p) of the Domestic Tariff Structure 2021-22 and clarification dated 08.04.2024.

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

- (i) It has been observed that the Appellant is a practicing lawyer, operating from an office located in the basement of the premises, in question, instead of Lower Ground Floor. MPD 2021 and UBBL of DDA doesn't allow professional activities except in the case of plotted development with a single dwelling unit and professional activity shall be permissible on any one floor only, restricted to less than 50% of the permissible or sanctioned FAR whichever is less on that plot, subject to relevant provisions of the Building Bye-Laws, structural safety norms and fire safety clearance.
- (ii) Although, the Tariff Order FY 2021-22 has a provision in the Tariff Category under Clause 1(1.1)(p) for domestic connections for lawyers, it is applicable only to the consultancy work for the professionals from their residence, as clarified in the DERC's clarification/letter No. F.17(174)/Engg/DERC/2016-17/5501/55 dated 08.04.2024. In the present case, however, Shri Vikas



Bhushan Gupta, the Appellant, resides in NOIDA, Uttar Pradesh, while practicing from the premises in question located in Delhi.

- (iii) There are no specific guidelines in MPD 2021, DERC's Supply Code, 2017, or the Tariff Order FY 2021-22 regarding the domestic tariff except the aforementioned DERC's letter dated 08.04.2024.
- (iv) Furthermore, the contention of the Appellant that he was charged non-domestic tariff, is not a valid justification, as it seems he was fully aware of at the time of purchasing of the property (M-88, Basement, GK -II) in 2010, and during the transfer of the existing connection from the erstwhile owner to his name.
- (v) It is evident that the Appellant is not having any domestic connection at the premises, in question, having only his office located in the basement. According to UBBL, 2016, MPD - 2021 dated 30.06.2021 (15.8), MYT 2008-11, February 2008, and the Tariff Order dated 31.07.2019, alongwith DERC's Tariff Structure 2021-22 dated 30.09.2021, which came after MPD 2021, thus relevant here, defines: *Professionals i.e. individuals engaged in those activities involving services based on professional skills, viz Doctor, Psychologist, Physiotherapist, Lawyer, Architect, Chartered Accountant, Company Secretary, Cost & Works Accountant, Engineer, Town Planner, Media Professional and Documentary Film Maker may utilize the domestic connection at their residence for carrying out their professional work in the nature of consultancy without attracting non-domestic tariff for the electricity consumed, provided that the area used for professional activity does not exceed the area permitted to be used for such activity in residential area under the Master Plan for Delhi 2021 (MPD-2021), which as per MPD 2021 is permissible on any one floor only but restricted to less than 50% of the permissible or sanctioned FAR which ever is less on that plot or dwelling unit defined at 1(p) Domestic category tariff and DERC's Clarification dated 08.04.2024 with respect to Categorization of Electricity Supply at Basements in Residential Building are validating stand of Respondent.*

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

- (i) The order passed by the CGRF-BRPL is upheld and change of Tariff from non-domestic to domestic category is neither permitted under the regulations and nor allowed in this case.
- (ii) Appellant is further directed to make the required dues in time to avoid disconnection.



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
16.10.2025