

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. 41/2025

(Against the CGRF-BYPL's order dated 28.08.2025 in Complaint No. 197/2025)

IN THE MATTER OF

Smt. Pooja Jain

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Smt. Pooja Jain and Shri Sudeep Jain, Advocate

Respondent: Shri Anil Bhasin & Shri Harshit Bhasin, Advocates and
Shri Abhishek Tyagi, on behalf of BYPL

Date of Hearing: 03.12.2025

Date of Order: 04.12.2025

ORDER

1. Appeal No. 41/2025 dated 29.09.2025 has been filed by Smt. Pooja Jain, R/o F-142, Mangal Bazar, Laxmi Nagar, Delhi -110092, through advocate Shri Sudeep Jain, against the Consumer Grievance Redressal Forum – BSES Yamuna Power Limited (CGRF-BYPL)'s order dated 28.08.2025 in Complaint No. 197/2025.

2. The background of the case is that the Appellant has applied for a new electricity connection vide Order No. 8007531753 at the premises No. D-123-B, Ground Floor, Gali Arya Samaj Mandir, Shakarpur, Delhi -110092. Her request was rejected by the Discom vide its communication dated 15.04.2025 on the grounds that "ownership dispute/Court Case, MCD's NOC or Completion and Occupancy Certificate is required". Consequently, the Appellant filed a complaint before the



Forum asserting that the Discom is relying on MCD's objection relating to premises No: D-123, while her property address is D-123-B, which is not listed in MCD's unauthorized construction list.

3. The Discom submitted that an electricity connection bearing Meter No. 11433980 (CA No. 101034672) already exists at the premises in the name of Shri Surender Kumar. The complainant purchased/acquired the property in question from Shri Amit Kumar, s/o Shri Surendra Kumar through Sale-Deed dated 24.02.2025. According to the sale deed filed by the complainant, it specifically mentioned that the vendor is selling the entire ground floor, measures 20 sq. yards and, consisting of one room set fitted with electricity and water connections, each with their separate meter etc. The Discom also submitted that property in question consists of four floors, all of which have electricity connections. The first to third floors have electricity connections registered in the name of Shri Amit Kumar, and there is also one connection in the building without specifying a floor. Furthermore, the building where a connection has been sought by the complainant is booked by MCD for unauthorized construction.

4. The CGRF-BYPL, in its order dated 28.08.2025, considered that the Site Visit Report dated 25.08.2025, reveals that there are three premises having address, viz; D-123, D-123-A and D-123-B. Further, on perusal of MCD's booking list, it becomes evident that while premises No. D-123 has been booked multiple times by the MCD, it remains unclear against which building it had booked. It has also been observed that the complainant only purchased a part of 20 sq. yards from the total 57 sq. yards of the ground floor of the premises, in question. All three buildings including the subject premises have been electrified except for her portion. Therefore, without a valid document of showing MCD booking, the complainant cannot be denied a new connection. Furthermore, the Forum cited a verdict dated 13.05.2022 passed by the Supreme Court of India in the case of Dilip (Dead) L.R. Vs. Satish, SCC online SC810, which emphasizes that electricity is a basic necessity that no person should be deprived of.

In light of the above, the Forum directed the Discom to release the connection applied for, after completion of all the commercial formalities in accordance with regulations, and after obtaining an 'Undertaking' regarding the fact that whenever MCD takes action against the illegal construction in future, the Discom is free to disconnect the new electricity connection.



5. The Appellant, dissatisfied by the order dated 28.08.2025, passed by CGRF-BYPL, has filed this appeal on the following grounds:

- (a) No compensation for delay - According to Section 43(1) of the Electricity Act, 2003, the Discom did not release the connection within one month of the application. Therefore, Section 43(3) of the Act mandates that if a distribution licensee fails to supply power to an applicant within the stipulated period, it shall be liable to pay a daily penalty for the default.
- (b) Illegality of precondition of "MCD's Affidavit"- Neither the Electricity Act, 2003 nor the DERC's Supply Code, 2017, requires a completion certificate, MCD's NOC or any MCD specific affidavit for obtaining a domestic connection.
- (c) Non-speaking, un-reasoned order - violation of natural justice - The Forum failed to address or analyze the key issues raised by her. For instance, the order does not clarify whether the Forum found the MCD's objection claim against D-123-B to be valid or not and why an 'undertaking' was necessary for D-123-B, when the Discom failed to prove that D-123-B, was mentioned in any MCD's unauthorized construction list.

6. The Appellant filed a rejoinder on 20.11.2025 and reiterated submissions/reliefs already submitted in her appeal dated 29.09.2025. In addition, she has quoted the recent order passed by the High Court of Delhi dated 13.11.2025 in WP(C) 7618/2023, 7620/2023 & 11330/2023 in the matter of BSES-BYPL vs. Ms. Bhagwanti & Anr, Shri Inder Chawla & Anr. & Smt. Shabana Bano & Anr, respectively, in the matter of grant of electricity connections in the premises/buildings booked by the MCD for unauthorized construction.

7. The Discom, in its written submission dated Nil to appeal, reiterated the facts as placed before the CGRF-BYPL. In addition, the Discom submitted that a connection can only be granted on the following conditions:



- (a) The Appellant should submit a document of equivalent value to the sale deed is provided, indicating that the sold portion is not energized and doesn't have an electricity connection. Until this document is provided, the ownership document that is the current sale-deed is to be considered the proof of the existence of a connection at the applied premises.
 - (b) The appellant should submit a document from the MCD stating that the applied premises is not booked by them and could be given new connection, as the upper floors of the applied premises were booked by the MCD.
 - (c) The CGRF in its order did not put a penalty on the Discom because of the fact that the questions and objections of the applied connection were not solved by the Appellant in due time and the Discom had valid reasons for rejection of the connection.
- 8. The appeal was admitted and fixed for hearing on 03.12.2025. During the hearing, both the parties were present along with 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, Advisor and Secretary, to elicit more information on the issue.
9. During the hearing, the Advocate for the Appellant reiterated the contentions of the case, grounds of appeal, flaws/error in the CGRF's impugned order and prayers made in the appeal as well as in the additional written submission dated 02.12.2025. However, Advocate could not present convincing answer when asked by the Advisor (Engineering) that a review petition could have been filed, if any flaw/error was found in the CGRF's order. He asserted that the Appellant is liable to pay compensation on the two grounds, (i) Property booked was D-123, Shakarpur, however, his client's property Number is D-123-B, Shakarpur, which is different. Hence, in the instant matter, the pre-conditional 'Undertaking' from the Appellant is not required, as was ordered by the CGRF. (ii) As per Section 43 of the Indian Electricity Act, 2003, connection should have been given within one month after receipt of the application. Therefore, the delay in releasing the requisite connection arbitrarily caused undue harassment to her. As a result, he is entitled for



compensation in accordance with Section 43 supra. Further, on both the grounds, Advisor (Engineering) clarified point-wise to the Court that this issue has been adjudicated by the Ombudsman in its order dated 30.06.2023 (Appeal No.09/2023) in the matter of Smt. Meenakshi Meena vs. BRPL in which 12 applicants have succeeded in getting electricity connections under MCD booked property by suffixing "A" after the address, thus, manipulating address. Whereas on the direction of this Court, all the 12 connections were disconnected. Thus, Respondent was on right path to seek MCD clearance before releasing connections on the MCD booked properties. In addition, Advisor (Engineering) quoted Hon'ble Supreme Court order dated 19.05.2023 passed in Civil Appeal No.2109-2110 of 2004 for clarification on Clause 43 supra and established that the universal service obligation is not absolute and Discom is not liable to pay compensation.

In response to a query by the Ombudsman as to whether presently the premises no.D-123-B is an occupied house or not, Advocate answered in affirmative.

10. In rebuttal, the Advocate for the Respondent reiterated its written submission and denied delay in releasing the connection in an arbitrary manner. He emphasized that the sale deed, submitted by the Appellant itself indicates the already fitted electricity and water connections. Besides that, applied building was booked by MCD for unauthorized construction and the connection would only be released upon receipt of NOC from MCD. However, in the present direction under circular dated 17.11.2025 issued by Special Secretary (Power), Department of Power, Govt. of NCT of Delhi, Respondent is ready to release the applied connecton. Moreover, as far as compensation is concerned, Appellant is not entitled to any compensation, as outlined above.

11. During hearing, Ombudsman highlighted the order dated 13.11.2025 passed by the High Court of Delhi in WP (C) 7618/2023 and subsequent circular dated 17.11.2025 of the Power Department, Govt. Of NCT of Delhi, there is no rider to take any undertaking. Moreover, under DERC Guaranteed Standards of Performance & Compensation to Consumers under Schedule –I of DERC Supply Code, 2017, Appellant is not qualified for compensation.

12. After going through the appeal, the written statement and on the basis of arguments those ensued during the hearing on the issue, the following facts emerge:



- a) The High Court of Delhi, in its order as mentioned in Point No. '6' supra has categorically mentioned that:

Quote

"16. This Court takes note of one such instance, as noted by the learned CGRF in the order impugned in W.P.(C) 7618/2023, wherein the CGRF has noted that despite passing of about three years, action against the unauthorized construction has not been taken by the MCD. Thus, in such circumstances, where properties remain occupied by various residents, this Court find no error in the direction of the CGRF to grant electricity connection in the meanwhile, pending action against such unauthorized construction."

Unquote

- b) Power Department, Govt. of NCT, Delhi's Circular No: E11/2025/Power/7091-97 dated **17.11.2025** - Sub: Regarding Grant of Electricity Connection in MCD- booked properties for unauthorized construction stated that the Government has examined the latest judgment in the matter in consultation with Law Department and issues following directions to DISCOMs to appropriately balance individual rights with municipal enforcement requirements:-
- (i) Not to deny or discontinue electricity supply in premises merely because the property is booked for unauthorized construction.
 - (ii) To disconnect electricity only upon receiving formal intimation from MCD at the time of demolition/sealing action.
 - (iii) To maintain full coordination with MCD for ensuring smooth execution of municipal enforcement actions.
- c) In view of the Power Department, Govt. of NCT, Delhi's Circular No:E11/2025/Power/7091-97 dated 17.11.2025, issued by the Special Secretary, regarding grant of electricity Connection in MCD- booked properties for unauthorized construction, there is no need of any undertaking from the Appellant and connection be granted.

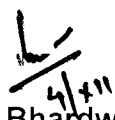


13. In the light of the above, this court directs as under:

- (i) CGRF order dated 28.08.2025 is modified as under:
 - (a) Request No./Order No.8007531753 of March, 2025 be treated as valid irrespective of time period of deficiency notice service.
 - (b) Connection be provided within 7 days of this order after completion of necessary commercial and codal formalities by the applicant.
- (ii) Compliance report be submitted within 30 days.

14. 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
04.12.2025