

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. 42/2025

(Against the CGRF-BRPL's order dated 01.10.2025 in CG No. 92/2025)

IN THE MATTER OF

Shri Shankar Sharma

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Shankar Sharma, in person

Respondent: Shri Sudarshan Bhattacharjee, DGM, and Shri Shreyek Gupta, Advocate, on behalf of BRPL

Date of Hearing: 26.12.2025

Date of Order: 29.12.2025

ORDER

1. Appeal No. 42/2025 has been by Shri Shankar Sharma, R/o RZ-62 A, Plot No.62 A, Gali No.24, Ground Floor, Vasisht Park, Opp. Petrol Pump, New Delhi - 110046, against the Consumer Grievance Redressal Forum – BSES Rajdhani Power Limited (CGRF-BRPL)'s order dated 01.10.2025 in CG No.92/2025.

2. The background of the case, as per the Appellant, presented before the Forum indicates that he has been residing at the aforementioned premises since 1987. An electricity connection, CA No.102831974 (domestic category), registered in his name on the first floor, was disconnected on 04.07.2014 due to unpaid dues amounting to Rs.24,000/-. However, these dues were subsequently transferred to his commercial connection, CA No.150389270, located at the ground floor shop, for which Rs.5,015/- was already outstanding. Following his complaint dated 16.03.2015 regarding the issuance of only a commercial bill as he was ready to pay that bill, the Respondent



threatened him to remove the meter. Later, in his absence, the electricity supply to the commercial connection was also disconnected on 27.06.2015 from the feeding point by the Respondent without any prior notice. However, the meter could not be removed by the Respondent due to the shop being locked. Thus, that meter still remained at site. Besides that, two cases were initiated against him by the Enforcement Team (BRPL) without any evidence, and two FIR numbers, 448/16 and 450/2016, were registered by the Police, which remain pending for adjudication before the Court. Furthermore, the Public Grievance Cell (PGC) did not address his complaint dated 03.08.2015 regarding the payment of outstanding dues, based on the Respondent's allegations of electricity theft against him. Subsequently, the Respondent settled his bill with a zero balance of DX category under the Delhi Government Scheme, but despite assurance by Discom as well as his repeated requests, his electricity supply was not restored. Thus, various efforts made for restoration of supply from December 2015 to December 2017 to multiple departments, including Discom, the Chief Minister of Delhi, the Public Grievance Monitor System, and the Ministry of Power, were unsuccessful. Ultimately, he approached the Permanent Lok Adalat for the resolution of the regular bill amounting to Rs.1,01,280/- concerning CA No.150389270 but was compelled to withdraw his case in 2023 due to a lack of support.

3. In the complaint dated 06.08.2025 before the Forum, the Appellant expressed his willingness to pay the outstanding dues/bill in accordance with the provisions of the Electricity Act, 2003. He asserted that he had been facing undue mental and financial harassment by the Respondent for the past 10 years. Hence, he requested, (i) that strict legal action be taken against the erring officials of the Respondent, and (ii) that his electricity supply, which has been disconnected, be restored so that he can resume his livelihood.

4. The Discom, in its written submission, presented before the Forum that the primary concern of the Appellant was the restoration of electricity supply. Given that the electricity connections were disconnected on 04.07.2014 and 27.06.2015, the DERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2011 was thus applicable. Consequently, Rule 7 (2) specifies, "The complaint shall be entertained if it is filed before the Forum within three months from the date the consumer exhausted the remedy under the complaint handling procedure or when no action is taken by the authority prescribed in that procedure within the period prescribed therein, from the expiry of such period as aforesaid, whichever is earlier." As more than three months have passed since the disconnection, the complaint is therefore considered time-barred and not maintainable.



5. The Forum, in its order dated 01.10.2025, relied upon Clause 7 (2) of the then DERC (Guidelines for establishment of Forum for redressal of grievances of the consumers and Ombudsman) Regulations, 2003. (It is important to note that the Discom/Forum inadvertently cited the regulations as DERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2011, however, these were only draft regulations and had not been notified. Verbatim of Regulation 7 (2) of 2003 stipulates, "xxx no complaint shall be entertained unless it is filed before the Forum within three months from the date the consumer exhausted the remedy under the complaint handling procedure or when no action is taken by the authority prescribed in that procedure within the period prescribed therein, from the expiry of such period as aforesaid, whichever is earlier: xxx"). This Regulation 7 (2) was considered in conjunction with Clause 19 (2) (i) & 19 (7) of the DERC (Supply Code and Performance Standards) Regulations, 2017. Thus, Forum opined that they are unable to consider the complaint/grievance of the complainant, as the connections were disconnected in 2014 and 2015, and a considerable period has elapsed since then i.e. well beyond three months. Therefore, the complaint is considered time-barred and not maintainable. The complainant is thus advised to apply for a new electricity connection, which will be issued by the Respondent only after clearance of all outstanding dues and upon completion of other commercial formalities.

6. The Appellant, dissatisfied by the order dated 01.10.2025, passed by CGRF-BRPL, has filed this appeal reiterating his stand as before the Forum.

He contended on the following grounds:

- (i) Despite making numerous efforts to restore the electricity supply between 2015 and 2017, his complaint was not considered by the Discom, Lok Adalat, the Ministry of Power, and the Office of the Chief Minister of Delhi
- (ii) His persistent and genuine attempts, based on the actual facts and circumstances, were overlooked by the Forum. It was not considered that he was willing to pay the outstanding arrears for the bill dated 17.03.2015. However, the Forum dismissed his request, stating it was beyond the time limit.
- (iii) The Forum failed to consider that electricity is a basic necessity of life.

The Appellant seeks the following relief:



- (a) To set-aside the CGRF-BRPL's order dated 01.10.2025.
- (b) To direct the BRPL to restore the electricity supply / a new connection be granted, after making any payment, pending as on 17.03.2015.
- (c) To pass any other order if this Court deems fit.

7. The Discom, in its written submission dated 24.11.2025 to the appeal, reiterated the facts placed as before the CGRF-BRPL. In addition, the Discom has mentioned the applicability of DERC's Regulations, 2003 during disputed period instead of 2011, as mentioned in the order of the CGRF. Discom further submitted that the Appellant failed to challenge the CGRF's observations regarding regulations concerning permanent disconnection which is followed by fresh electricity application.

8. The Appellant, in his rejoinder dated 03.12.2025, reiterated his assertions as in the appeal and denied all the allegations levelled by the Respondent in its written submission. He contended that the electricity connection was disconnected by the Respondent deliberately without giving any prior notice, in violation of Clause 56, 56 (b) & 61 (d) of the Electricity Act, 2003 and the DERC's Regulations. It is clearly mentioned in the Regulations that electricity could not be disconnected without serving any notice to the consumer. Even Clause 61 (d) supra safeguards the consumer's interest and recovery of the cost of electricity in a reasonable manner. Apart from that, the appellant had also applied for settlement of his domestic and commercial electricity bill dues under the Electricity Bill Dispute Resolution Scheme launched by the Delhi Government on 30th August 2015 (which was in effect till May 31, 2016), but the BESS did not allow him to avail the benefit deliberately. Now, his grievance is considered by the Discom as well the Forum as time barred which is not correct.

9. The appeal was admitted and fixed for hearing on 26.12.2025. During the hearing, the Appellant was present in person and the Respondent was represented by its 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.

10. During the hearing, the Appellant reaffirmed the arguments and prayer made in the appeal. In response to a query by the Ombudsman as to whether the Appellant had utilized the Delhi Government Scheme for settling the dues and made payment for the domestic connection, the Appellant stated that the scheme was applicable to both domestic and non-domestic connections and he had expressed his



willingness to make the payment. However, he claimed that the Respondent did not allow him to take benefit from that scheme. Consequently, he was unable to make any payment for the restoration of his connection. When further asked about whether his grievance pertained to the restoration of electricity supply for the commercial connection or both connections, which were disconnected in 2014 and 2015, the Appellant asserted that he sought to restore the electricity supply for both connections to support his livelihood but was unsuccessful due to enforcement dues. In response to further a query by the Ombudsman regarding the current status of the premises, the Appellant indicated that since the disconnection of electricity supply, his family had been compelled to live in the premises without electricity due to the actions of the Respondent. However, his explanation was not deemed convincing, as it raised questions about how a family could survive without electricity for nearly 10 years. Appellant reiterated his claim that he was prepared to make the payment, excluding enforcement dues, as the enforcement case is still pending in the court. The meter still exists at site, as he did not allow its removal, and the final reading was not taken by the Respondent. While the Advisor (Engineering) referring the details of enforcement dues, reasons for non-restoration of electricity supply, and applicability of Regulation 49 (ii) of the DERC Supply Code, 2007 on direct theft cases which falls outside the jurisdiction of this court.

11. In response, the Advocate representing the Respondent reiterated the written submission. He argued that the case presented before the CGRF has not been adjudicated on its merits. The CGRF advised, rather than directed, the Appellant to apply for a new connection. Furthermore, the matter concerning the transfer of dues or the amount of the bill was never contested by the Appellant before the CGRF. Hence, electricity supply could not be restored at this belated stage and requisite connection(s) can only be released after making payment of outstanding dues together with enforcement dues.

12. During the hearing, the Ombudsman emphasized that electricity is a basic necessity of life and that for the release of new connection(s), all outstanding dues must be settled, subject to completion of other commercial formalities.

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

- a) The Appellant was having two electricity connections in his name installed at the premises no.RZ-62A, Plot No.62A, Gali No.24. Out of these two connections, one connection bearing CA No.150389270 (NX



arrears, if any, under the Electricity Act, 2003 and his supply be restored to run his livelihood. It appears that his request was for restoration of NX connection bearing CA No.XXXX9270.

- f) In view of above facts, this court has to decide on the two issues, (a) whether NX connection can be restored, and (b) Bill of NX connection is payable or falls under Section 56 (2) of the Electricity Act, 2003. It is evidently clear that supply of NX connection was disconnected on 27.06.2015, before this a Notice u/s 56 (1) of Indian Electricity Act, 2003 was already served to the Appellant. Since electricity supply was disconnected on 27.06.2015, thus, in the instant case DERC supply Code, 2007 is applicable instead of prevailing Supply Code, 2017. Chapter IV of DERC Supply Code, 2007 deals with disconnection and reconnection. Regulation 49 (Disconnection on non-payment of the Licensees Dues) of DERC Supply Code, 2007, stipulates as under:

“The Licensee may issue a disconnection notice in writing, as per section 56 of the Act, to the consumer who defaults on his payment of dues giving him fifteen clear days to pay the dues. Thereafter, the Licensee may disconnect the consumer’s installation on expiry of the said notice period by removing the Service Line / Meter or as the Licensee may deem fit. If the Consumer does not make the payment within six months of the date of disconnection, such connections shall be treated as Dormant Connection.”

As far as Direct Theft case is concerned, Regulation 49 (ii) is applicable; however, this issue does not pertain to this court being beyond jurisdiction.

- g) Since the Appellant’s issue is being dealt in 2025 for restoration of supply/new connection, hence, DERC Supply Code, 2017 is applicable. Under Regulation 19 (2) (i) which cites, if the power supply to a consumer remains disconnected for a continuous period of more than 6 (six) months for non-payment of charges or dues or non-compliance of any direction issued under these Regulations, after giving a 15 (fifteen) days notice period to the consumer. This provision is for termination of agreement. In the present case his connection has become dormant and

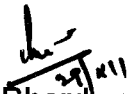


agreement terminated. As per Regulation 19 (7) any revival of connection shall be treated as applying for new connection.

- h) In addition, Regulation 42 of DERC Supply Code, 2017 also empowers Licensee for recovery of arrears.
14. In the light of the above, this court directs to modify the order of the CGRF-BRPL, as under:
- (i) Existing meter from the site be removed and actual reading / final bill be raised to the Appellant.
 - (ii) 100% LPSC is waived off in the case of regular bills.
 - (iii) New connection be provided within one week's time after clearing all dues and completion of necessary commercial formalities by the Appellant.

15. 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
29.12.2025