

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. 46/2025

(Against the CGRF-BYPL's order dated 25.09.2025 in Complaint No.255/2025)

IN THE MATTER OF

Shri Nirbhay Mehta

Vs.

BSES Yamuna Power Limited

Present:

Appellant: None

Respondent: Shri R. K. Tiwari, Sr. Manager, Shri Ashok Kumar & Shri Rahul Saini, Advocates, on behalf of BYPL.

Date of Hearing: 07.01.2026

Date of Order: 08.01.2026

Order

1. Appeal No. 46/2025 dated 29.10.2025 has been filed by Shri Nirbhay Mehta, R/o 16-A/8, Ground Floor, West Extension Area, Karol Bagh, Delhi - 110005, against the Consumer Grievance Redressal Forum – BSES Yamuna Power Limited (CGRF-BYPL)'s order dated 25.09.2025 in Complaint No.255/2025.

2. The background of the case, as per the Appellant, presented before the Forum indicates that the Appellant applied for a new electricity connection (non-domestic category), vide request no.8007396539. The Respondent rejected his application based on the grounds: (i) ESS space is required as the plot size 544 sq. yards and total cumulative built-up area of the plot exceeds 2000 sq. yards, (ii) the address provided was found on the MCD objection list under booking no.B/UC/KBZ/15/358, (iii) the building consists of a basement, ground floor, and five additional floors, including a mezzanine floor, with a height of more than 15 meters; thus, a Building Completion



Certificate (BCC) / Fire Clearance Certificate (FCC) is necessary, (iv) there is no wiring present in the NX building. The Appellant contended that he is only a partial owner of the ground floor and that the ground and second floors were never booked by the MCD. The building was constructed prior to 2007, and each floor has a separate owner. The total plot area is only 544 sq. Yards.

3. The Discom, in its written submission, presented before the Forum, that in light of the aforementioned objections, which directly violate the applicable provisions of the DERC Supply Code, 2017, no new connections could be granted.

4. The Forum, in its order dated 25.09.2025, upheld the rejection of the application for a new connection (NX category) by the Respondent, citing deficiencies those required rectification. The Forum relied upon Regulations 5 (1), 7 (2), and 11 (2) (iv) of the DERC Supply Code, 2017, in conjunction with Rule 38 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023. Moreover, it was noted that the premises had been booked on two occasions, i.e. in 2015 and 2019. However, the electricity connections those were present in the subject building were released by the Respondent prior to the MCD booking in 2019, and subsequently, no connections were granted. The Forum concluded that the requested connection could only be provided once all necessary requirements had been fulfilled.

5. The Appellant, dissatisfied by the order dated 25.09.2025, passed by CGRF-BYPL, has filed this appeal reiterating his stand as before the Forum. He contended that the CGRF failed to consider his claims that the ground, first, and second floors have never been booked by MCD since the building's construction in 2007. Concerning the necessity for ESS space, the building, which is commercial in nature, has already been electrified with more than eight electricity connections. Earlier no requirement of ESS was raised by the Respondent.

6. The Appellant has prayed to accept the appeal and to pass a fair order in his favour in the interest of justice as CGRF has passed the order without considering the legality of BYPL's objections.

7. The appeal was admitted on 31.10.2025 and forwarded to the Respondent for their written submission with a copy to the Appellant for information.



8. In the meanwhile, the Respondent has sent an e-mail dated 01.12.2025, informing that the requisite electricity connection has been released vide CA No.154925381. Consequently, in response to an e-mail dated 10.12.2025 of this office, the Appellant has sent an e-mail dated 16.12.2025, informing that he does not want to pursue the case further.

9. Moreover, as far as issue of MCD booking is concerned, recent Circular no.E11/2025/Power/7091-97 dated 17.11.2025 of Power Department, Govt. Of NCT of Delhi is applicable which allowed grant of electricity connection in MCD booked properties for unauthorized construction. However, as far as others deficiencies are concerned, the Discom was asked through e-mail dated 18.12.2025 as to whether the connection was installed after removal of highlighted deficiencies in accordance with prevailing regulations of DERC or not. Discom, in its reply dated 24.12.2025, asserted that the connection (NX category) was applied for the aforesaid address vide new service request no.ONSRD2410259090. Appellant has submitted the following documents alongwith said application:

- (i) No Objection Certificate from co-owner Ms. Vanshika Mehta, D/o Sh. Hiren Mehta,
- (ii) Affidavit of the Appellant, Shri Nirbhay Mehta, S/o Shri Hiren Mehta,
- (iii) Architect Certificate dated 06.05.2025, issued by Shri Yash Arora certifying that the height of the building does not exceed 15 meters from ground level at the time of inspection.

Accordingly, a site inspection was carried out and it was observed, (i) the building height does not exceed 15 meters, (ii) the terrace construction is minimal, temporary in nature and limited to 8% of terrace area, (iii) the nature and extent of construction at terrace level does not alter the classification of the building so as to attract mandatory fire clearance requirements. Hence, Respondent has strictly adhered to all applicable provisions of :

- (i) DERC Regulations, 2017;
- (ii) Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations;
- (iii) Delhi Fire Service Rules.

Therefore, the electricity connection was released only after due verification/inspection and compliance with safety standards, and there has been no violation or relaxation of mandatory provisions.

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10. The appeal was admitted and fixed for hearing on 29.12.2025 which later was adjourned to 07.01.2026, as per request of BYPL. During the hearing, the Appellant was not present as an e-mail had been received from him, reiterating his stand on withdrawal of pending appeal. He was informed that no new appeal would be entertained. However, Respondent was represented by its representatives. Relevant questions were asked by the Ombudsman, Advisor and Secretary, to elicit more information on the issue.

11. In rebuttal, the Advocate representing the Respondent reiterated the written submission dated 24.12.2025. The Ombudsman emphasized that the Respondent rejected the application on two grounds: (i) MCD booking, and (ii) the height of the building, which is commercial in nature and exceeds 15 meters. The question arises as to the circumstances under which the requisite connection was provided while disregarding the height issue. The officer present stated that the applied connection was released based on an architect's certificate, which confirms that the building's height is within the permissible limit of 15 meters from ground level to the fourth floor. Regarding the consideration of the Architect Certificate at a later stage, the officer apprised that the Appellant submitted the Architect Certificate along with his new request number, rather than prior to filing the complaint before the CGRF or in this office along with the instant appeal. In response to a specific query as to whether the Architect Certificate was issued by an empanelled architect of MCD and whether it was verified through the MCD portal, the officer confirmed that verification of the architect was conducted using his license number on the MCD portal before the connection was released. The architect remains on the MCD's empanelled list until 2029. The officer provided details of the architect on the website to the Advisor (Engineering). Furthermore, the officer was unable to provide a satisfactory answer when asked about the relevant provision of building bye-laws under which 8% of construction is deemed temporary at the fifth floor. It was explained that for business buildings in Delhi, a Fire No Objection Certificate (NOC) is required from the Delhi Fire Service if the building height exceeds 15 meters (Ground + 4 upper stories including the mezzanine floor).

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

- (i) The appeal dated 29.10.2025 is dismissed as withdrawn by the Appellant.
- (ii) The CEO may initiate a vigilance inquiry to ascertain the circumstances under which the connection was given despite the MCD booking and the building height issue, which necessitates fire safety considerations.

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The result of enquiry be shared alongwith action taken report be submitted to this office within 30 days of receipt of this order.

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 DERG's Notification dated 24.06.2024.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
08.01.2026