

CA No. Applied For
Complaint No. 106/2026

In the matter of:

Jwala Singh

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. Shalabh Kumar, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Vikas Kumar Singh, Counsel for the complainant
2. Mr. R.S. Bisht, Ms. Monika Sharma, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 10th September, 2026
Date of Order: 15th September, 2026

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the grievance are that the complainant has applied for new electricity connection vide request no. 8008301317 at premises no. 167, Flat No.204, Patparganj Village, Delhi-110091, but application of the complainant for new electricity connection was rejected by OP on grounds of "Pole encroachment at site, pending dues of CA No. 101099164, coaching centre board exists at site but shop is vacant no activity in coaching centre was found by TFE, applied building is G+5".

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Complaint No. 106/2026

2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking new electricity connection for a sanctioned load of 1 KW at premises bearing no. 167, Khasra No. 490/106, Flat No.204, Second Floor, Patparganj Village, Delhi-110091 vide application no. 8008301317.

It is further submitted that as per the site inspection report, the building is Ground + Five Floors, whereas the existing electricity connections in the premises were sanctioned/released when the structure was Ground + Upper Ground + Four Floors. The building exceeds 15 meters in height; therefore, Fire Safety Clearance/NOC from the competent authority is mandatory. Pole encroachment was found existing at the site and it was found to be technically unfeasible and unsafe for release of electricity supply. Also there is floor mismatch between the applied portion and the actual physical position of the floor. Applied floor is second floor; however the said portion is physically situated on the first floor. Outstanding dues were found pending against CA No. 101099164 of Rs. 12,118/-. It is further stated that several electricity connections already exist in the building and Ground Floor have coaching centre board.

3. The complainant in its rejoinder denied the allegations stated by the respondent in its reply. It is stated that the complainant is the absolute owner of only Flat No. 204 in the said building and has neither ownership nor control over the portions of the building where the alleged encroachment is stated to exist, if any, has been carried out by other occupants or owners of the building, over whom the complainant has not authority or legal control.

It is further submitted that the electricity pole is the property of the respondent and if it is believed that the pole had been encroached, it was incumbent upon the respondent to take appropriate action for removal of such encroachment.

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Secretary
CGRF (BYPL)

Complaint No. 106/2026

Further the allegations regarding unauthorized construction of balconies, chajjas or structural extensions, or any other building violations fall exclusively within the jurisdiction of the Municipal Corporation or any other competent statutory authority. The respondent has failed to justify why the same standards were not applied while granting those connections. It is further stated that the complainant is the absolute owner of Flat No.204, as recorded in the registered Sale Deed/ Title Deed. That the building consists of a Partial Parking Floor, Upper Ground floor, First Floor, Second Floor, Third Floor and Fourth Floor and the complainant's flat is situated on Second Floor. It is further submitted that the respondent has neither produced any measurement report nor any document from the competent authority establishing that the building exceeds the prescribed height. Further the CA No. 101099164 neither belongs to the complainant nor is the complainant in any manner connected with or liable for the said dues of Rs. 12,118/-. The respondent has no produced any material to establish that the complainant is the registered consumer, owner, occupier, or successor in interest in respect of the said CA Number. It is admitted that multiple connections already exist in the same building. The respondent has failed to disclose the process, eligibility criteria, approvals etc or any other records on the basis of which existing connections were sanctioned. The respondent has further failed to place on record the photographs of the electricity poles, buildings flats etc which is essential for the installation of the said connection. That the complainant has no ownership, possession or control over the ground floor. It is further submitted that there are several buildings situated in Mayur Vihar Phase-1, including building exceeding the prescribed height yet provided electricity connections and the respondent has not disclosed that Fire Safety Clearance were obtained in all such cases. It is submitted that there are 2 other electricity poles, respondent can provide electricity from either of the adjoining poles or adopt any other technically feasible solution.

3 of 6

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CGRI (BYPL)

Complaint No. 106/2026

During the course of the arguments O.P filed site photographs and both the parties were directed to conduct joint site visit. The site visit report submitted by OP stated that already 18 electricity connections exist in the subject premises. Building structure is ground plus five floors. On ground floor there are two DX connections and one NX connection. Each floor has six (6) DX units and connections and top floor has 2 DX units. Pole Encroached. OP also filed copy of the accessibility notices issued to all the connection holders of the building.

4. Arguments of both the parties are heard.
5. From the perusal of facts and materials placed before us we find that the complainant has applied for new electricity connection at premises No. 167, Flat No.204, Patparganj Village, Delhi-110091 and the respondent has rejected the application on the grounds of that the building height exceeds 15 meters that is why Fire Safety Clearance/NOC from the competent authority is required, also pole encroachment was found. Outstanding dues found against CA No. 101099164 of Rs. 12,118/-.

It is evident from the photographs placed on record that the BSES electricity pole has been substantially encroached upon and is situated inside the premises/building structure. Such a condition raises serious concerns regarding the accessibility, safety, maintenance and operation of the electricity distribution infrastructure. The release of a new electricity connection from an encroached or inaccessible electricity pole cannot be directed unless the site conditions are made technically feasible and safe in accordance with the applicable rules and regulations.

Complaint No. 106/2026

The contention of the complainant that the alleged encroachment is not under his/her ownership or control cannot, by itself, compel the respondent to provide an electricity connection in an unsafe or technically unfeasible manner. The respondent, being responsible for the safety and maintenance of the electricity distribution system, cannot be directed to release supply where the existing infrastructure is inaccessible or encroached upon.

Further, the respondent has raised an objection regarding the height and structure of the building and the requirement of Fire Safety Clearance/NOC from the competent authority. The complainant has not placed on record any valid document or clearance from the competent authority to satisfactorily address the said objection.

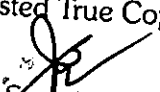
The fact that other electricity connections already exist in the building does not automatically create a right in favour of the complainant for the release of a fresh connection, particularly when the present application is subject to existing technical and safety constraints. Each application for a new connection is required to be examined on the basis of the prevailing facts, site conditions and applicable rules at the time of consideration.

With regard to the outstanding dues against CA No. 101099164, the respondent shall not recover the said amount from the complainant unless the complainant is found legally liable for the said dues in accordance with applicable law and regulations. However, the issue of outstanding dues does not affect the finding regarding the technical and safety constraints at the site.


5 of 6

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Secretary
CGRP (BYPL)

Complaint No. 106/2026

The complainant has also suggested that supply may be provided from adjoining electricity poles. However, the choice of source, route and mode of supply involves technical considerations and falls within the domain of the respondent. This Forum cannot direct the respondent to provide supply through a particular pole or manner unless the same is found technically feasible and safe by the competent technical authorities.

In view of the above facts and circumstances, we find that the respondent has established the existence of serious technical and safety issues at the site, particularly the encroachment and inaccessibility of the electricity pole. Therefore, no direction for immediate release of a new electricity connection can be issued at this stage.

In view of the foregoing discussion and findings, the complaint is dismissed.

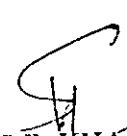
ORDER

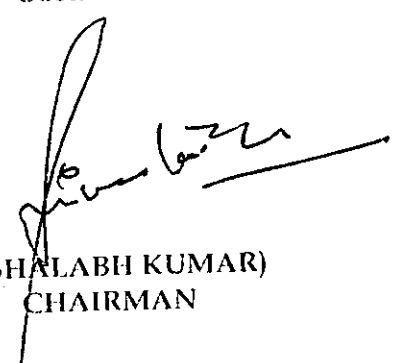
The complaint is dismissed. OP has rightly rejected the application of the complainant for the new electricity connection vide request no. 8008203175 at premises no. plot no. 3, Main Sewa Dham Road, Mandoli, Delhi-110093 after completion of other commercial formalities as per DERC Regulations 2017.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 15/9/26
MEMBER (TECH.)


(SHALABH KUMAR)
CHAIRMAN

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CGRF (BYPL)