

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma
Shahdara, Delhi-110032
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com
SECRETARY'S OFFICE

C A No. Applied For
Complaint No. 43/2026

In the matter of:

Mohammed Ali

.....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. Aslam Parvez, Counsel for the complainant along with complainant
2. Mr. Rahul Saini, Mr. R.S. Bisht, Mr. Vishal Sharma, Ms. Monika Sharma, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 11th August, 2026
Date of Order: 18th August, 2026

Order Pronounced By:- Mr. P. K. Agrawal, Member (Legal)

1. The brief facts of the grievance of the complainant are that the complainant applied for new electricity connection vide request no. ONCCCK0412251752 at premises bearing no. Shop no. 10, MPL no. 6191, Masjid Fatehpuri, Katra Baryan, Delhi-110006. It is also his case that his application for new electricity connection was rejected by OP on the grounds of 'requirement of ownership proof along with No Objection Certificate from the owner and valid ID proof.

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Signature

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2. The respondent in his reply against the complaint of the complainant submitted that the complainant applied for new electricity connection as a tenant in the premises bearing address Shop no. 10, bearing MPL no. 6191, Masjid Fatehpuri, Katra Baryan, Delhi-110006 vide request no. ONCCCK0412251752. The said application of the complainant was rejected on the following grounds:-

- a) Application has been rejected for requirement of ownership proof with NOC from the owner along with ID proof, as the applicant has provided lease agreement only.
- b) Ownership dispute/court case.

Reply further submitted that on verification of records/technical feasibility, the respondent has also received objections/representations from Amiro Yuva Brigade vide receipt no. 770 dated 07.07.2022 regarding illegal sale, illegal and unauthorized construction of eleven shops in the premises which is claimed to be Heritage Building Monument i.e. Fatehpuri Masjid, Delhi-110006.

Dispute regarding status of Fatehpuri Masjid, Delhi-110006 which is a heritage monument as building falls under ASI and writ petition no. W P (c) no. 11646/2022 titled as Amiro Yuva Brigade Vs. UOI is pending adjudication before the Hon'ble High Court of Delhi, wherein the issues pertaining to the status of the property, alleged unauthorized construction, and consequential entitlement for grant of electricity connections are under active adjudication. The respondent is also a party to the said proceedings and has already placed its stand before the Hon'ble High Court.

3. The complainant in its rebuttal stated that as per law, it is submitted that the complainant has to show only agreement as well as settled possession of the premises i.e. shop.

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The complainant is in possession of the shop since 2022 as per the lease agreement. The complainant stated that he is ready to file indemnity bond as well as the complainant shall also give an undertaking that if the decision of the Hon'ble High Court goes against the complainant the respondent shall have absolute liberty to disconnect the electricity connection.

The complainant in its written arguments submitted that as per law every distribution licensee shall on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply. He further submitted that the Hon'ble High Court has not granted any stay or passed any order for maintaining status quo for non-granting of new electricity connection. The case pending before Hon'ble high Court will take long time; hence, electricity connection may be released to the complainant.

The complainant in another written arguments submitted that OP has released many connections in shops/building attached to the Fatehpuri Masjid in the year 2024-25. The CA no. installed meters in the year 2024 is 154485719 and CA nos of the meter installed in the year 2025 are 154485720 and 154744525.

The complainant stated in the written argument that the complainant has applied for release of new connection and the respondent denied the connection. It is submitted that as per law the occupier means the owner, tenant or person in occupation of the premises where electricity is used or proposed to be used; the word occupier in section 43(1) of the new Act has not been defined therein. In its decision in Industrial Suppliers Pvt. Ltd Vs. Union of India, reported in AIR 1980 SC 1858, The Apex Court has held that in the legal sense an occupier is a person in actual possession. Further Judgment of the Hon'ble high Court of Gujarat in the matter of Yogesh Lakhmanbhai Chovatiya vs PGVCL also submitted.

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That as per law, the complainant is entitled for connection if he is in settled possession. The complainant has rent agreement as well as verification by vigilance which shows the settled possession of the complainant. It is further submitted that the PIL filed by Amiro Yuva Brigade in Hon'ble High Court of Delhi is false, frivolous; fictitious is mainly intended to extort money from the complainants. If the complainant's applied premises were in the list of MCD/SDM for any action, officials of MCD/SDM should have served the notice to the complainant and till date there is no notice. It is further submitted that the Hon'ble High Court has not granted any stay or passed any order for maintaining status quo for not granting of new electricity connection. That the premises are fully attached with Fatehpuri masjid and the shop is rented to the complainant.

4. During the course of arguments, OP submitted copy of PIL in the High Court of Delhi vide Civil Writ Petition no. 11646/2022 in the matter of Amiro Yuva Brigade Vs. Union of India & Others. The PIL has been filed 'seeking grant of immediate removal/sealing of illegal and unauthorized 10-12 shops constructed, allowed after by passing all laws and bye-laws by the respondent no. 7 i.e. Delhi Waqf Board, after crack up a part of the Fatehpuri Masjid i.e. Heritage Building, property no. 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.

The illegal and authorized 10-12 shops constructed in Fatehpuri Masjid, at property no. 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006 is constructed at the instance on respondent no. 7 i.e. Delhi Waqf Board with No permission from MCD, No NOC from ASI, moreover NO NOC from Heritage Consecration Committee or Heritage Building Department, Govt. of India. The property is just beneath the Heritage Building of Fatehpuri Muslim Sr. Sec School and Fatehpuri Masjid, Delhi, where Delhi Waqf Board, individually allow illegal constructions in the form of illegal shops were raised unauthorized. List of the shops as below:

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1. A.S. Optical Co., Shop no. 1, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
2. Al-Shah Optical Co., Shop no. 2, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
3. Joy Optical Co., Shop No. 3, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
4. Optical store, Shop no. 4, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
5. Al-Raziq, Shop no. 5, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
6. Touch Optical Co., Shop no. 6, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
7. Al Noor Optical, Shop no. 7, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
8. Nescafe and Cold Drink, Shop no. 8, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
9. Al Majid Aroma, Shop no. 9, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.
10. Kwaliti Optical, Shop no. 10/2, 6191, Katra Baryan, Fatehpuri Masjid, Delhi-110006.

The said PIL was heard by Hon'ble High Court of Delhi and on hearing dated 26.05.2023, SDM prays for four weeks time to remove all the encroachments as identified and informed by the Waqf Board. By way of last indulgence, he is granted four weeks time for the same. On hearing dated 04.09.2023 learned counsel appearing for the Sub Divisional Magistrate (SDM) states that they have evicted as many as 12 out of 19 unauthorized occupants.

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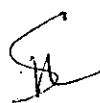
However, in respect of the remaining 7 cases, the Department has been informed that writ petitions have been preferred wherein certain interim orders have been passed. The latest position in the present case is that the said case is still pending for adjudication before the Hon'ble High Court of Delhi and the next date of hearing is 09.09.2026.

Regarding complainant's contention that OP has released new electricity connections in the year 2024-25 vide CA no. 154485719, 154485720 and 154744525. The K.No. files of all these three connections were asked from the OP and from perusal of the said K.No. files it is transpired that the subject connections are released at property bearing no. 6480 which is different from the subject premises.

5. In view of the foregoing discussion and findings, the Forum passes the following order:

The grievance of the complainant seeking release of a new electricity connection vide request No. ONCCK0412251752 at Shop No. 10, MPL No. 6191, Masjid Fatehpuri, Katra Baryan, Delhi-110006, is hereby disposed of with the direction that no new electricity connection is required to be released at this stage in view of the pending judicial proceedings and the disputed legal status of the subject premises.

The complainant shall be at liberty to approach the Respondent afresh for release of the electricity connection upon any clarification/order by the competent Court/authority regarding the status of the subject premises, subject to fulfillment of the applicable statutory and regulatory requirements.

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The Respondent shall consider any such fresh application in accordance with the applicable provisions of law and the orders of the competent Court/authority prevailing at the relevant time.

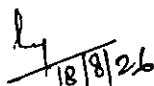
Nothing contained in this order shall be construed as adjudication upon the title, ownership, tenancy, possession, legality of construction or heritage status of the subject premises.

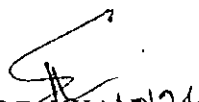
The parties shall comply with the orders/directions, if any, passed by the Hon'ble High Court of Delhi in W.P. (C) No. 11646/2022.

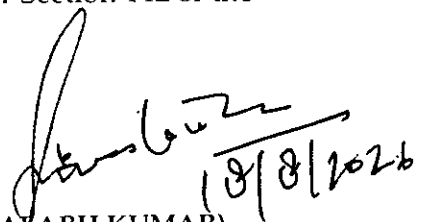
The grievance stands **disposed of accordingly**.

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. KHANNA)
MEMBER (TECH.)


(SHALABH KUMAR)
CHAIRMAN
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