



C A No. Applied for
Complaint No. 69/2025

In the matter of:

NazmeenComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel for the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 28th August, 2025
Date of Order: 01st September, 2025

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The present complaint has been filed by Ms. Nazmeen against BYPL-Paharganj.
2. The brief facts of the complaint are that the complainant applied for new electricity connection vide request no. 8007348999 at premises no 4228, 4229 and 4230, Gali Barna, Sadar Bazar, Delhi-110006.

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CGRF (BYPL)

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It is also her case that her application of new connection was rejected by OP on grounds of MCD objection sealing/relocation and unauthorised construction same address. The complainant submitted that katra no. 413 is a huge katra and many more connections have been released by OP in the same katra.

3. The respondent in its reply submitted that the complainant is seeking new electricity connection at second floor of premises no. 4228, 4229 and 4230, Shakarpur, Delhi-110092 vide request no. 80075317536.

The application for the complainant was rejected by OP on following grounds:

- a) Applied premises is booked by MCD on account of polluting list that too multiple times and the complainant needs to file a valid, verifiable and legal building completion certificate (BCC) as well DPCC certificate being duly issued by the competent authority.
 - b) Mix use building having height more than 15 meters, meaning thereby necessary height clearance certificate is required from the competent authority.
4. The complainant in its rejoinder submitted that he applied for new DX connection at 2nd floor of premises bearing no. 4228, 4229 and 4230, Gali Barna, Sadar Bazar, Delhi-110006. The complainant further submitted that property number 4227, 4228 4229 and 4230 is a huge area and many connections have already been released by OP in the subject premises and the complainant is ready to submit any type of affidavit/undertaking in this regard.

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5. OP filed application under Order 1 rule 10 of the code of Civil Procedure, 1908 to implead MCD as party in the present matter as the subject premises are booked by MCD.
6. Forum vide its order dated 21.07.2025, rejected the said application of the OP filed under Order 1 rule 10 of the code of Civil Procedure, 1908 to implead MCD as party.
7. Arguments of both the parties were heard.
8. From the narration of facts and material placed before us we find that the application of the complainant for release of new electricity connection was rejected by OP on grounds of MCD booked premises and mix use building having height more than 15 meters therefore, fire clearance certificate is required. Against both the objections of OP following observations are made by the forum:
 - a) The complainant applied for new electricity connection at property bearing no. 4228-4229 and 4230, whereas the MCD booking list filed by OP shows at sl. No. 76, of the list bearing no. D-641/SE/CSPZ/2019 dated 04.12.2019 the details of the property as property no. 4227, Gali Barna, Sadar Bazar, Delhi. The booked address and complainant's address is different; therefore this objection of OP is not sustainable.
 - b) The second objection of OP is of height of the building more than 15 meters therefore fire clearance certificate is required. In this regard the forum find that the complainant has applied for new electricity connection at the second floor and under domestic category which is well within the height of 15 meters therefore we are of the opinion that there is no requirement of fire clearance certificate for grant of new electricity connection. Therefore, this objection of OP is also not sustainable.

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- c) The OP has already released many connections in the premises of the complainant. Therefore, in the absence of authentic documents, new connections cannot be denied to the complainant.
- d) Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
- e) We are of the view that the respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.

ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant vide application no. 8007348999 at premises no. 4228-4229 and 4230, Gali Barna, Sadar Bazar, Delhi-110006 after completion of all the commercial formalities as per DERC Supply Code 2017 and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

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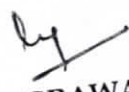
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.


The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.


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.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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