

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

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SECY/CHN/01/08NKS

C A No. Applied for Complaint No. 618/2024

In the matter of:

Rakesh Sharma & Preeti AggarwalComplainant

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)

Appearance:

1. Mr. Vinod Kumar, Counsel for the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 06th November, 2025

Date of Order: 24th November, 2025

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

1. The brief facts of the complaint are that the complainant applied for Load Enhancement vide request no. 8007230183 and 8007020286 against CA No. 153219176 and 153219061 respectively installed at ground floor and second floor of premises no. IX/6403, S/F, Mukherji Gali, Gandhi Nagar, Near Fuare Wali Building, Delhi-110031, but respondent rejected the application of the complainant for new connection on the pretext of "MCD, NOC or Completion and Occupancy Certificate required/ Architect certificate for height of building".

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2. The respondent in its reply submitted that the complainant is seeking Load Enhancement from 5KW to 11KW of the existing connection vide Meter No.153219176 at the premises bearing address IX/6403, Ground Floor, Mukharjee Gali, Gandhi Nagar Near Phuhare Wali Building, Delhi-110031. Reply further stated that the applied address is under MCD Booking List dated 10.15.2017 @ sr no.59 in the nature of Unauthorized Construction on entire land. Also Alleged BCC could not be verified as the same architect is debarred/ black listed for a period of 3 years by MCD and NOC from Fire Department is also an prerequisite for the instant case. Reply further stated that during inspection of the said premises, several deficiencies were discovered which are stated herein below:

- a. Complainant who is seeking load enhancement from 5KW to 11KW of the meter No.153219176 installed at the ground floor cannot be enhanced as the same is not in consonance with the applicable laws and guidelines.
- b. The applied site is Ground + 4 Floors Commercial Building and the height of the applied site is more than 15 meters which mandates requisite Architect Certificate in order to secure new connection.
- c. Applied site is found to be is under MCD Booking List dates 01.05.2017 @ sr no-59 in the name of Owner/Builder in the nature of unauthorized construction at entire G.F., F.F., S.F., T.F., projection on MPL Land.

Reply further stated that Complainant furnished an alleged BCC issued by Raman Bakra (Architect) who stands debarred MCD for a period of 3

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Secretary
CGRF (BYPL)

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3. Complainant in its rejoinder denied the preliminary objections of respondent as averred in their reply. He further submitted that he had given the BCC Certificate to the respondent company and after that the respondent company installed two electricity meter vide Ca No.153219176 on Ground Floor and CA No.153219061 on First Floor. Rejoinder further submits that when the BCC was submitted to OP the architect was not debarred. That the building height is less than 15 meters, as the building structure is Ground + 2 floors over it.
4. During the course of arguments O.P filed an application in the Forum under Order 1 rule 10 of the code of Civil Procedure, 1908 read with section (applicable provision) for implead of Municipal Corporation of Delhi as necessary party.

Forum vide order dated 21.07.2025 opined that there is specific provision in Delhi Electricity Regulatory Commission (Guidelines for establishment of the Forum and the Ombudsman for redressal of grievances of Electricity Consumers) Regulations, 2024 to summon or call record from MCD, therefore, MCD is not necessary party, to be impleaded as respondent.

Against this order of the Forum dated 21.07.2025, O.P moved to Hon'ble High Court of Delhi and Hon'ble High Court of Delhi vide order dated 04.11.2025.

5. Hon'ble High Court of Delhi vide its order dated 04.11.2025, held as under:

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"5. Accordingly, considering the submissions made before this Court, it is directed that the BSES Yamuna Power Limited, at the time of grant of any fresh electricity connection, shall assess the status of the property from the website of the MCD and take action accordingly.

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6 As regards the status of any property, it is clarified that the CGRF is within its power to summon or call for any record from the MCD.

7 Accordingly, the orders dated 21st July 2025 issued by CGRF are modified to the extent that the petitioner, i.e. BSES Yamuna Power Limited is not required to issue notices at two stages to the MCD, as directed in the impugned orders."

6. Arguments of both the parties are heard.
7. From the narration of the facts and material placed before us we find that the complainant applied for load enhancement for two connections on ground floor and second floor respectively. Both the applications of the complainant were rejected by OP on the grounds of MCD booking and the BCC filed by the complainant is from debarred Architect, therefore same cannot be considered.

Firstly, the OP has released the two electricity connections to the complainant on the basis of said BCC submitted by the Complainant. The objection of OP of debarred Architect is not applicable in the present case as the BCC issued by MCD before debarring the Architect and OP has no point to prove whether the Architect only is debarred or the BCC issued by him are also debarred by MCD. Therefore, this objection of OP does not substantiate here.

Also, the recent Judgment of Hon'ble Delhi High Court vide order dated 13.11.2025 has held as under

"19. Thus, considering the detailed discussion hereinabove, this Court is of the view that there is no impediment with the petitioner company to grant or continue with electricity connection in the premises, where such premises are booked for unauthorized construction. However, as and when MCD takes any coercive action against such properties, which are booked for unauthorized construction, the MCD shall duly intimate the concerned electricity companies, in that regard.

*for
A. Patel*
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20. The electricity company shall be free to disconnect the electricity connection, as and when such request or direction is given by the MCD, at the time of taking action against the unauthorized construction in the properties in question.

The Government of National Capital Territory of Delhi (Department of Power) vide their circular no. E.11/2025/Power/7091-97 dated 17.11.2025 also directed DISCOMs to not to deny or discontinue electricity supply in premises merely because the property is booked for unauthorized construction.

To disconnect electricity only upon receiving formal intimation from MCD at the time of demolition/sealing action.

Regarding issue of height of the building, the complainant has already filed Architect certificate dated July 2024 which is also placed on record. Therefore, this objection of OP is also not sustainable.

Forum also viewed that both the connections are in the name of Preeti Aggarwal and she has applied for load enhancement of two connections whereas OP in its reply has mentioned only one connection. Although the deficiency letters of both the connections filed by the complainant shows same objection therefore, OP should process both the connections for load enhancement.

8. Therefore, in view of the above, we are of considered opinion that the application of the complainant for load enhancement should be processed by OP.

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ORDER

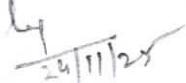
The complaint is allowed. Respondent is directed to enhance the load of the complainant against CA no. 153219176 and 153219061 for ground floor and second floor respectively after completion of all the other commercial formalities as per DERC Regulations 2017.

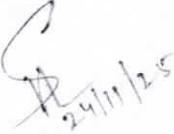
This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

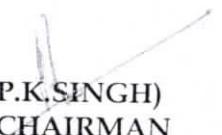
The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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