

C A No. Applied For
Complaint No. 177/2025

In the matter of:

Ram Naresh VermaComplainant

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. Suraj Aggarwal, Counsel for the complainant
2. Mr. R.S. Bisht, Mr. Nishant, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 12th March, 2026

Date of Order: 17th March, 2026

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

1. The complainant filed present application under Section 146 of the Electricity Act 2003 for non-compliance/delay in compliance of the orders of the Forum passed in present case by the Forum on 25.09.2025.
2. The complainant filed an application on 08.05.2025 for non-release of the electricity connection by the OP on the grounds of requirement of valid title documents, Building structure is ground plus two floors and three meters already exists, mismatch between applied and existing meters.

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3. The forum in its final orders dated 25.09.2025, finds as under:




- That the address of the property where connection has been applied for by the complainant is D-36-A, block -D, West Jyoti Nagar, Shahdara, Delhi-94. The property chain also proves that Mohd Haroon was erstwhile owner of the property.
- Therefore, the complainant's submission that Mohd Haroon does not exist at the applied premises can be relied upon.
- From perusal of the K.No. file of the connection in the name of Mohd Haroon, it is clearly evident that at the time of application of new connection the address was mentioned as B-36 instead of D-36.
- We also find that the other connections in the applied building on the first and second floor are installed at address D-36. It seems that Mohd Haroon at the time of application of new connection the address was inadvertently mentioned as B-36 instead of D-36.

4. In this regard, we are of the considered opinion that that the objection raised by OP for not releasing the new connection to the complainant is not sustainable, therefore, OP should release the new electricity connection to the complainant as applied for. The complainant should also surrender the connection in the name of Mohd Haroon at the time of release of the new electricity connection in his name.

The complaint is allowed. OP is directed to release the electricity connections as applied for by the complainant vide request no 8007523298 at ground floor of premises bearing no. J D-36-A, West Jyoti Nagar, Delhi-110094 after completion of other commercial formalities as per DERC Regulations 2017.

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5. The complainant later on 11.11.2025 filed an application under Section 146 of the electricity Act, 2003 before the Forum for non-compliance of the orders of the Forum dated 25.09.2025.

6. Before disposal of the complaint the relevant Section 146 is reviewed.

Section 146. (Punishment for non-compliance of orders or directions):
Whoever, fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts or abets the contravention of any of the provisions of this Act or any rules or regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one lakh rupees, or with both in respect of each offence and in the case of a continuing failure, with an additional fine which may extend to five thousand rupees for every day during which the failure continues after conviction of the first such offence:

1[Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121.]

7. Scope and Purpose of Section 146

Section 146 of the Electricity Act, 2003 provides punishment for non-compliance of orders or directions issued under the Act.

Important legal interpretation:

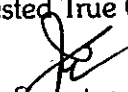
Section 146 generally applies to orders issued by the Appropriate Commission (State or Central) or directions under the Act.

The order in question is passed by a Consumer Grievance Redressal Forum (CGRF).

Under the Electricity Act, 2003:

- CGRFs are constituted under Section 42(5).
- Their role is consumer grievance resolution, not criminal enforcement.

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The extract of Section 42 (5) is given below:

Section 42. (Duties of distribution licensee and open access): --

(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

Following words of the above section need to be highlighted:

".....redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission"

The guidelines have been issued by DERC by way of DERC (Guidelines for establishment of the Forum and the Ombudsman for Redressal of grievances of Electricity Consumers) Regulations, 2024 and DERC Supply Code and Performance Standards, 2017. None of these regulations provide any power to the CGRF for taking up the DISCOMs for non-compliance of its orders or for taking action against them under Section 142 or Section 146 of the electricity Act.

Regulation-75 of DERC (Supply Code and Performance Standards) Regulations, 2017 provides:

75. Penalty:-

(1) The Commission may impose penalty, on case to case basis:

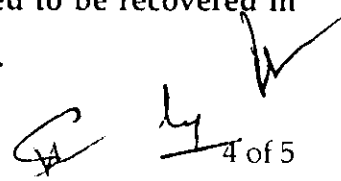
(i) for non-achievement of any target for overall standards of performance

(ii) for violation of any of the provisions of these Regulations or any of the directions/advice/orders issued by the Commission.

(2) The penalty paid by the Licensee shall not be allowed to be recovered in the Annual Revenue Requirement (ARR) of the Licensee.

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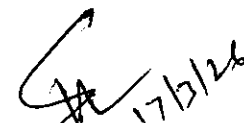

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This Section also clarifies that power of penalty lie with DERC.

In view of the above, it is very clear that this Forum cannot proceed under Section 146 of the Electricity Act 2003. The petition is, therefore, dismissed.



(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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