

CA No. Applied For
Complaint No. 99/2026

In the matter of:

Ram Niwas

.....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. Avdesh Kumar, Complainant present in person.
2. Mr. R.S. Bisht, Mr. Manoj Panwar, Ms. Monika Sharma, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 10th September, 2026
Date of Order: 24th September, 2026

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

1. The brief facts of the grievance are that the complainant applied for new electricity connection vide request no. 8008280408, ONKWR0404263717 at premises bearing no. H.No. 1, GF, Khasra No. 9, 30 feet road, 5th Pusta, Sonia Vihar, Delhi-110090. It is also his case that the respondent rejected his application for new electricity connection on grounds of requirement of ESS Space, Chain of property required and area approx. 800 sq. yards as per the site visit, earlier the said plot was mixed with agriculture land.

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1 of 7

Complaint No. 99/2026

2. The respondent in its reply against the complaint of the complainant submitted that the complainant applied for new domestic electricity connection of 3 KW vide request no. 8008280408 at premises bearing no. H.No. 1, GF, Khasra No. 9, 30 feet road, 5th Pusta, Sonia Vihar, Delhi-110090. Reply further submitted that during inspection, it was reflected that although the complainant attempted to project the premises as a 400 sq. yards plot, the actual site assessment and technical observations did not support the complainant's contention. The technical inspection records requirement of "ESS Space as well as Back chain property."

It is also submitted that the ownership documents relied upon by the complainant themselves reveal that the claim is not with respect to an isolated independent original plot but rather pertains to a carved-out-portion of a larger land parcel. The General Power of Attorney relied upon by the complainant specifically reflects that the executants claims ownership in respect of a larger land parcel and not an isolated independent self-contained original unit. That the surrounding site conditions clearly suggest that the area constitutes a larger developing plotted/agricultural belt where land is being fragmented into smaller claimed portions.

It is further submitted that the ownership documents filed by the complainant reveals that the claims are not founded upon any registered sale deed, conveyance deed, mutation record or direct title document, but are based on GPA documents and derivative informal chain papers. That is why the respondent specifically required the complainant to furnish proper ownership back chain documentation to verify the complete documentary title continuity. A matter of Hon'ble Supreme Court in Swaraj Lamp & Industries Pvt. Ltd. Vs. State of Haryana &Ors, was also quoted in support of the statement.

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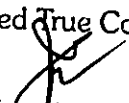


2 of 7

Complaint No. 99/2026

3. The complainant in its rejoinder denied the contents stated in the reply of the respondent. It is stated that the respondent has failed to disclose any quantified computation, lawful site measurement or statutory determination showing how the prescribed ESS threshold is crossed in the present case. That the respondent relies upon the complainant's GPA documentation to allege linkage with a parent parcel of measuring approx. 700 sq. yds. Even assuming aggregation of the entire parent parcel referred by the respondent, approximately 700 sq. yds. Converts to approximately 585 sq. meters, which itself remains below the prescribed ESS threshold of 600 sq. meters. It is further submitted that the subject premises has existed as a distinct and separately identifiable unit for many years. That the complainant had already furnished the relevant Farad/Khatuni both physically before the Respondent's office as well as through the online deficiency response portal. So the allegation that complete back chain documentation was not furnished is factually incorrect.

It is further stated that respondent's own prescribed document list for new electricity connection applications expressly recognizes GPA as an acceptable document for proof of ownership occupancy of premises. That the respondent has repeatedly characterized the area as agricultural/developing land while ignoring that the concerned revenue estate already stands urbanized pursuant to Notification No. F.7(128)/DLB/2019/000580156/14600-15 dt. 20.11.2019 issued by the Department of Urban Development under section 507(a) of the Delhi Municipal Corporation Act, 1957, whereby the concerned revenue estate ceased to be a rural area and came to be treated as an urban area. Also the photographs of the subject premises submitted by respondent do not clearly reflect the area and substantial boundary wall which physically separates the subject premises from the adjoining lands and contributes to its distinct and independent character.

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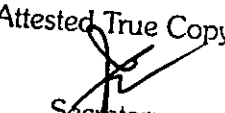


3 of 7

Complaint No. 99/2026

4. During the course of arguments, both the parties were directed to conduct joint site visit to ascertain the plot area of the complainant. The site visit could not be conducted. The authorized representative for the complainant stated that there is no need for site visit.
5. The representative of the complainant submitted its written arguments, stating that the respondent has produced no documents establishing that the Applicant's premises are agricultural in nature. Its photographs relate to neighboring properties, whereas the Applicant's premises are separately identified and bounded with no agricultural activity. That the applicant has placed on record the Gazette Notification issued by the Lt. Governor of Delhi, DDA Master Plan 2021 land-use classification, which records the property type as Residential. The applicant is also placing on record the DDA Master Plan 2047 land-use classification, which also excludes the Applicant's revenue village from agricultural land. Further, the respondent has provided DX and NX connections to properties where agricultural activity is actually visible e.g. Applicant's immediate neighbor on an approx. 25 bigha parcel, despite visible agricultural activity without insisting upon ESS Space. It is further submitted that the property stands partitioned pursuant to an oral family settlement/ arrangement, and the said partition is the existing ground reality and such oral partition is legally recognized and is a well settled legal position.

The Hon'ble Supreme Court in H. Vasanthi v. A. Santha, Civil Appeal No. 7374 of 2008, decided on 16.08.2023, held that "there is no prohibition on effecting partition otherwise than through an instrument in writing" and recognized partition through settlement or oral understanding. The same principle is recognized by the Hon'ble High Court in Himani Walia Vs. Hemant Walia & Ors., decided on 23.03.2022. Therefore, a formal written partition deed is not required.

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CGRF (BYPL)

   4 of 7

Complaint No. 99/2026

It is further argued that a GPA being revocable does not mean that It has been revoked. According to Regulation 10(3) of the DERC Supply Code Regulations, 2017, GPA is among the documents accepted as proof of ownership or occupancy of the premises. That the applicant's premise is situated in an electrified area and BSES has already provided DX Connection to the applicant's neighbor. The respondent's own load report records the applicable transformer loading at 56.95%. Regulation 11(4)(ii)(a) of DERC provides that the Licensee shall not deny a new connection as long as the peak load, including the load capacity of the new connection, remains within and up to 90% of the rated capacity of the applicable distribution transformer. The applicant's load is only 3 KW and remains well within this limit. That even after including the applicant's 3 KW load, the reported loading remains below 70%, therefore, the augmentation threshold under this provision is not reached in the present case. It is also stated that the Respondent's own report records the distance of transformer/substation from the premises as approx. 700 meters. That the applicant identified another substation approx. 600 meters from the premises, separate from the one referred to in the Respondent's report. That the application was rejected in April 2026 and for the last Six months, the complainant has remained deprived of a basic human necessity- electricity, including throughout the peak summer months of Delhi and also required to attend proceedings and defend his case. This has caused serious and continuous mental harassment to the complainant that is why it is respectfully requests this Hon'ble Forum to impose penalty/compensation of Rs. 50,000/- upon the Respondent and to decide the matter forthwith, without granting any further date.

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CGRF (BYPL)

Complaint No. 99/2026

6. OP also submitted its additional comments and reiterated therein their original complaint and stated that the complainant's own documents disclose a larger landholding. The GPA relied upon by the complainant itself of considerable significance. The said GPA was executed by Sh. Bir Singh, s/o Lt. Sh. Babu Ram, in favour of his brother, Sh. Ram Niwas and describes the executants as the owner and in possession of land measuring 400 sq. yards out of an entire area of 700 sq. yards in Khasra No. 9 with construction rights. Therefore, even the GPA relied upon by the complainant does not describe a completely independent 400 sq. yards original plot divorced from the parent landholding.

OP further added that the GPA is relating to 400 sq yards area and the complainant also submitted Farad/Khatauni showing 1/5th share corresponding to approximately 700 sq. yards in respect of Khasra no. 9. Thus even on the basis of the complainant's own documents, the landholding in question extends to more than 1100 sq. yards, equivalent to approximately 919 sq. meters, which is substantially above the prescribed threshold of 600 sq. meters for the requirement of ESS space.

The GPA is described as revocable and in the absence of a complete and unbroken ownership/partition chain, it is difficult for OP to rely on complainant's version with respect to their share in the land and grant them a new electricity connection.

It is further added by OP that as per the inspection report dated 04.04.2026 and the photographs taken during inspection and placed on record, no dwelling unit was found available/established at the applied premises, which further supports the respondent's objection regarding the nature and status of the premises.

7. Arguments of both the parties were heard.

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4 6 of 7

Complaint No. 99/2026

8. From the perusal of the facts and materials submitted before us we find that the complainant has applied for new domestic connection at premises no. H.No. 1, GF, Khasra No. 9, 30 feet road, 5th Pusta, Sonia Vihar, Delhi-110090 which was rejected by O.P on the grounds of that ESS Space is required and Back Chain of property documents are required.

From the perusal of the submissions made by both the parties it is transpired that the basic requirement for release of new electricity domestic connection is dwelling unit for residence as per Regulation 10 (1)(vi) of DERC Regulations 2017

"Wherever, one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant."

In the present case there is no dwelling unit/ separate dwelling unit with an identifiable kitchen available as per inspection reports.

9. Therefore, the complainant is directed to first fulfill the basic requirement for release of new electricity connection thereafter apply a fresh for the new electricity connection.

ORDER

In view of the above, the complaint is dismissed.

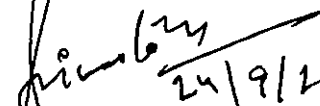
The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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.)


(SHALABH KUMAR)
CHAIRMAN

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7 of 7