

C A No. Applied for
Complaint No. 361/2025

In the matter of:

Varun Nandwani

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Agrawal, Member (Legal)
2. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Neeraj Sharma, Representative for the complainant
2. Mr. Divyam Nandrajyog, Mr. Jai Singh Rawat, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 23rd December, 2025

Date of Order: 29th December, 2025

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. 8007657452 at premises no. 2481, 2482, 2483, Ground Floor, Pvt No.G-20, Teliwara, Main Bazar, Sadar Bazar, Shri Ram Palace, Delhi-110006. It is also his case that OP rejected his application for new connection on the grounds of "Applied address is listed in the MCD objection list, Fire Safety Certificate required, a meter is already exists at site vide CA No. 70262345 and ESS space is required".

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2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking new electricity connection for non-domestic purpose vide application No.008007657452 at premises no. 2481, 2482, 2483, Ground Floor, Pvt No.G-20, Teliwara, Main Bazar, Sadar Bazar, Shri Ram Palace, Delhi-110006.

Reply further submitted that the inspection report Dated 10.06.2025 mentions that the structure of the building is Ground + 5, Meter No. 70262345 already exists at the site. It is further stated that Fire Safety clearance is required along with this ESS space is also required because the area of the property is more than 2000 square meters. A No-Objection Certificate from the Municipal Corporation of Delhi or Completion and Occupancy Certificate is required because the property is under MCD objection list.

A revisit report is submitted dated 08.10.2025 which mentions:-

- a) The height of the building is 67 feet approximately.
- b) The building structure is Ground Floor + 5.
- c) Meter no. 70262345 exists at the premises where connection has been sought.
- d) At the market there are many meters which exist.

3. The complainant in its rejoinder stated that Meter no. 70262345, Ca No. 100493998 already exists at the property and he requests to remove that meter and want a new connection on his name because there is address mismatch on the previous connection. It is further stated that his shop is on the ground floor and he never went to the top floor as he only owns one shop which is at ground floor only. Rejoinder further submitted that OP has not released any connection on the fifth floor and in a building having structure ground plus four floors over it, OP should release the connections on all the floors.

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It is further stated that he has never done any unauthorized construction. And after the order of the Hon. High Court in November he gets relaxation from MCD objection. It is further stated that BSES should issue meter upto G + 4 only. And there is no new construction on the building and the building is old.

4. Arguments of both the parties were heard.
5. From the narration of facts and material placed before us we find that the application of the complainant for new electricity connection was rejected by OP on the following grounds:
- a) Building structure is ground plus five floors over it, making building height more than 15 meters, thus mandate Fire Clearance Certificate.
 - b) ESS space is required as the area is more than 2000 sq meters.
 - c) Unauthorised construction as per MCD booking, thus MCD-NOC is required.
 - d) Removal of already existing meter at site vide meter no. 70262345.
6. 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.

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7. Regarding the objection of OP of MCD booking, the Hon'ble High Court of Delhi order no. W.P. (c) 7618/2023 & CM appl. 29530/2023, CM Appl. 70837/2025 dated 13.11.2025 has held as under

"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.

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."

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.

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.

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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.

8. Regarding the other objection of OP of existing meter, the complainant stated that he is ready to surrender the same at the time of release of new electricity connection.
9. Regarding the other objections of OP, the complainant is directed to provide the fire NOC being the building height more than 15 meters and for providing ESS space, the OP should take action to ask other owners of the 2000 sq yards area for providing ESS space.
10. In view of the above, we are of considered opinion that the two objections of the OP are fulfilled and rest two objections for providing ESS space for meter installation and submission of Fire NOC, the OP should release the new electricity connection to the complainant under non-domestic category after submission of the Fire NOC.

ORDER

The complaint is allowed. OP is directed to release the new electricity connection as applied for by the complainant vide request no. 8007657452 at premises no. 2481, 2482, 2483, Ground Floor, Pvt No.G-20, Teliwara, Main Bazar, Sadar Bazar, Shri Ram Palace, Delhi-110006 after completion of other commercial formalities as per DERC Regulations 2017 and submission of Fire NOC.

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OP is further directed to file compliance report within 21 days of the action taken on this 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.)

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