

**C A No. Applied For**  
**Complaint No. 309/2025**

**In the matter of:**

Yogesh Singh .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**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: 12<sup>th</sup> March, 2026

Date of Order: 17<sup>th</sup> 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 16.12.2025.
2. The complainant filed an application on 16.06.2025 for non-release of the electricity connection by OP on the grounds that buildings status is GF only and no meter was found at site and NX activity squaring machine paper cutting machine, stitching machine exist at site.

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Secretary  
CGRF (BYPL)

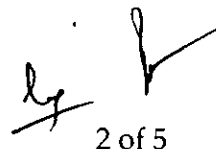
Complaint No. 309/2025

During inspection industrial /commercial activity found at site. Therefore, the complainant is required to submit DPCC for industrial/commercial activity at site.


3. The forum in its final orders dated 16.12.2025, finds as under:

- That the application of the complainant for new connection was rejected by OP on grounds of requirement of DPCC and ESS space. The complainant has filed DPCC. Regarding the objection of OP for requirement of ESS space, the said objection does not sustain here as the plot size of the complainant is 50 gaj out of total 150 gaj. Therefore, out of both the objections of OP, one is fulfilled and other is set aside by the Forum. Thus, we are of considered opinion that the new connection application of the complainant should be processed by OP after due verification of the DPCC certificate.
- The complaint is allowed. OP is directed to release the new electricity connection as applied for vide application no. 8007666036 at premises no. P.No. Kh. No. 18/1, GF, part of property no. 7 & 8, New Mandoli Industrial Area, Phase-II, Delhi-110093 after verification of the DPCC submitted by the complainant and completion of all other commercial formalities as per DERC Regulations 2017.



  
2 of 5

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Complaint No. 309/2025

4. The complainant later on 22.01.2026 filed an application under Section 146 of the electricity Act, 2003 before the Forum for non-compliance of the orders of the Forum dated 16.12.2025.
5. 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.]

6. 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).

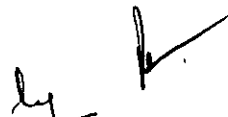
Under the Electricity Act, 2003:

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

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CGRF (BYPL)



  
3 of 5

Complaint No. 309/2025

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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CGRF (BYPL)




  
4 of 5

Complaint No. 309/2025

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.


  
17/3/26  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

5 of 5

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