C G R F
B Y P L

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003
Sub-StationBuilding BSES (YPL) Regd. Office Karkardooma
Shahdara, Delhi-11003
Phone: 32978140 Fax: 22384886
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SECY/CHN 015/08 NK

C A No. Applied For
Complaint No. 138/2026

In the matter of:

Zeenat .....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. Mohit, Counsel for the complainant
2. Mr. R.S. Bisht, Ms. Monika Sharma, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER
Date of Hearing: 08th October, 2026
Date of Order: 12th October, 2026

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

1. The brief facts of the grievance are that the complainant has applied for new electricity connection vide request no. 8008361899 at premises no. H. No. 93, Kh. No. 407, 1st Floor, GaliNo.-1, Shakti Vihar, Dayalpur, Mustafabad, Delhi-110094, but application of the complainant for new electricity connection was rejected by OP on grounds of "Pole touch to building and last year building collapsed and approx. 10 to 11 people died in this accident, so required approval".

The complainant stated that the pole is not touching the premises.

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2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking new domestic electricity connection of 1 KW at premises bearing no. H. No. 93, Kh. No. 407, 1st Floor, Gali No.-1, Shakti Vihar, Dayalpur, Mustafabad, Delhi-110094 vide application no. 8008361899.

It is further submitted that during the inspection of the subject premises, it was observed that the applied premises forms a part of a Ground + Three Storey (G+3) building. That the same building had suffered a catastrophic structural collapse during the year 2025, resulting in the death of approx. 10 to 11 persons, and therefore, No Objection Certificate/clearance from the Municipal Corporation of Delhi or other competent authority would be required, or is otherwise in conformity with the provisions of the Master Plan for Delhi for the release of new electricity connection.

It is further stated that the electricity pole belonging to the Respondent stood encroached upon and was touching the building which creates a hazardous condition for the occupants of the building as well as for the officials of the Respondent who are required to maintain and operate the electrical infrastructure.

It is further submitted that the complainant has also failed to furnish complete and legally acceptable ownership documents in support of the application for release of electricity supply. The ownership claimed is founded primarily upon a Relinquishment Deed dated 13.12.2025, executed by certain legal heirs of late Shri Tahsin in favour of the complainant. However, no registered Sale Deed, Conveyance Deed or any other registered instrument evidencing transfer of ownership in favour of the deceased has been produced before the Respondent. That the complainant has failed to produce the complete chain of title establishing the lawful ownership. A judgment of the Hon'ble Supreme Court in the matter of Suraj Lamp & Industries Pvt. Ltd. Vs. State of Harayana & Anr. Also quoted in support of the argument.

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3. The complainant in its rejoinder denied the allegations stated by the respondent in its reply. It is stated that the Section 43 of the Electricity Act 2003 imposes a mandatory obligation to provide electricity upon fulfilment of the prescribed requirements. The allegation regarding "verification of lawful occupation" is equally misleading because the complainant has already furnished the documents prescribed under the DERC Supply Code 2017. It is further stated that the respondent has failed to place on record any provision or Regulation which authorizes insistence upon an MCD approval as a condition precedent for grant of electricity connection or which authorizes rejection of an application solely because the premises had witnessed an unfortunate incident in the past. That the respondent has also failed to produce any demolition order, any sealing order, any order declaring the premises unsafe, any communication issued by the MCD restraining grant of connection or any order passed by any competent authority prohibiting occupation of the premises. It is further submitted that if the location of an electricity pole has become unsafe, the respondent is under a statutory obligation to maintain the safety of the electricity infrastructure. That the DERC Supply Code requires only prima facie proof of ownership or lawful occupation. The respondent has nowhere pleaded that the documents furnished by the complainant are forged, fabricated, disputed by any rival claimant or any pending litigation regarding ownership of the property in the court.

The said judgment of the Hon'ble Supreme Court in Suraj Lamp & Industries Pvt. Ltd. Vs. State of Haryana lays down the law relating to transfer of ownership in immovable property and not the issue of grant of electricity connection. Also the respondent consciously ignored the Section 43 of the Electricity Act, Delhi High Court Judgment in BSES Yamuna Power Ltd. Vs Bhagwanti & Anr., GNCTD circular dated 17.11.2025.

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During the course of the arguments, the complainant submitted the chain of property documents. The complainant also submitted that they have demolished the balcony/chajja which was touching with the electricity pole, same is confirmed by the respondent.

4. Arguments of both the parties are heard.

5. From the perusal of the facts and materials placed on record we find that complainant has applied for new electricity connection at premises no. H. No. 93, Kh. No. 407, 1st Floor, Gali No.-1, Shakti Vihar, Dayalpur, Mustafabad, Delhi-110094 which was rejected by the respondent on the grounds of that the building was previously collapsed in the year 2025 and NOC/clearance from the competent authority is required for the release of new electricity connection. It was further objected that the electricity pole is touching the building which creates a hazardous condition for the people living in building as well as the respondent's team which is responsible for maintaining electricity infrastructure. Also back chain of property is required to establish the lawful ownership of the complainant.

In response to these objections, the complainant submitted the back chain of the property which clearly establishes the lawful ownership of the complainant. The complainant has also demolished the balcony/chajja which was touching with the respondent's electricity pole.

Regarding the objection of requirement of NOC/clearance from the competent authority for the release of new electricity connection, the Forum finds that the building in question was collapsed and the complainant has constructed it a new and for new construction building there is no MCD booking placed on record by the OP. Therefore, requirement of NOC/clearance is not deemed mandatory only on the basis of that the building was previously collapsed.

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Complaint No. 138/2026

In view of the above, this Forum came to the conclusion that the complainant has fulfilled all the deficiencies raised by the respondent and we do not find any hurdle in releasing the new electricity connection.

ORDER

The complaint is allowed. OP is directed to release the new electricity connection as applied for by the complainant vide request no. 8008361899 at premises no. H. No. 93, Kh. No. 407, 1st Floor, Gali No.-1, Shakti Vihar, Dayalpur, Mustafabad, Delhi-110094after completion of other commercial formalities as per DERC Regulations 2017.

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

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.

12/10/26
(P.K. AGRAWAL)
MEMBER (LEGAL)

12/10/26
(S.R. KHAN)
MEMBER (TECH.)

(SHALABH KUMAR)
CHAIRMAN

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Secretary
CGRF(BYPL)