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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11252/2023 and CM APPL. 43818/2023**

BSES YAMUNA POWER LIMITED

.....Petitioner

Through: Mr. Manish Kumar Srivastava, Mr.
Moksh Arora and Mr. Yash Srivastava, Advocate.

versus

SMT. SHANAZ & ORS.

.....Respondents

Through: Mr. Vaibhav Verma, Advocate for
Respondents No.1 and 2.
Mr. Puneet Yadav, ASC for Respondent
No.3/MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

06.03.2025

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1. This writ petition is preferred on behalf of the Petitioner under Articles 226 and 227 of Constitution of India seeking the following reliefs:-

"A. Pass an Order setting aside the Order dated 11.05.2023 passed by the Ld. CGRF in C.G No. 146/2023 titled as "Sh. Shanaz and Mohd. Arif Vs. BSES Yamuna Power Limited."

B. To call for the original records of the proceedings before the Ld. CGRF in C.G No. 146/2023 titled "Shanaz and Mohd. Arif Vs. BSES Yamuna Power Limited."

C. Direct the Municipal Corporation of Delhi to evolve an effective mechanism/ process for action in respect of premises which are in violation of the Delhi Municipal Corporation Act, 1957 or the CEA Safety Regulations, 2010. The process should be finalised after due consultation with the Hon'ble Delhi Electricity Regulatory Commission."

2. Genesis of this writ petition lies in a complaint filed by Respondents No. 1 and 2 against the Petitioner. Complainants applied for new electricity



connection vide request Nos. 8006159264 and 8006159272 at premises bearing No. 241, DDA Quarter, Seema Puri, Delhi, however, the applications were rejected on the ground that the area where a pole belonging to the Petitioner was located, had been encroached upon and construction was carried out by the complainants in violation of CEA Safety Regulations, 2010 and provisions of Electricity Act, 2003. Aggrieved by the rejection, complainants approached Consumer Grievance Redressal Forum ('CGRF') and filed complaint bearing No. CG 146/2023. By impugned order dated 11.05.2023, CGRF directed the Petitioner to provide the electricity connections to the complainants.

3. Challenging the order of CGRF, Petitioner has filed the present writ petition on multiple grounds. It is averred and urged that complainants cannot be permitted to avail the benefit of illegal encroachment by them. The premises in question have been unauthorisedly constructed and encroached upon the area where the electricity pole is located. This is not only in violation of the provisions of CEA Safety Regulations but also a safety hazard to the occupants of the building. Rejection is premised on provisions of Regulation 11(2)(iv) of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 whereby an applicant is required to undertake in the application form that the building in question is constructed as per prevalent building byelaws etc., and the applicant shall abide by provisions of Electricity Act, 2003 and all other applicable laws. Various other legal issues have been raised by the Petitioner to assail the impugned order.

4. Learned counsel for MCD submits that the premises in question was inspected on 19.09.2023 and it was found that the owner/occupier had



carried out unauthorised construction in the shape of deviations/excess coverage at the ground floor against the standard building plan and unauthorised construction at entire first floor, second floor and third floor along with projection on municipal lands. Property was booked and show cause notice was issued. It is submitted that the unauthorised construction has been demolished. Learned counsel for the complainants submits that in light of the development of demolition, complainants do not press the execution of the impugned order.

5. Since it is a common case of the complainants and MCD that demolition has taken place in the premises in question wherein the electricity connections were to be provided by the Petitioner as per the impugned order of CGRF, the impugned order dated 11.05.2023 is hereby set aside, absolving the Petitioner of the direction of CGRF to provide electricity connections to the complainants. Questions of law raised by the Petitioner are left open.

6. Writ petition along with pending application is disposed of in the aforesaid terms.

JYOTI SINGH, J

MARCH 6, 2025

B.S. Rohella