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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 21.08.2025**+ W.P.(C) 12674/2025, CM APPL. 51713/2025 & CM APPL.
51714/2025

BSES YAMUNA POWER LIMITEDPetitioner

Through: Mr. Manish Srivastava, Mr. Moksh
Arora and Mr. Santosh Ramdurg,
Advs.

Mob: 9999061836

Email: moksh@kdatta.in

versus

RAJINDER KUMAR & ANR.Respondents

Through: Mr. Sushant Singhal, Mr. Manibhadra
Jain and Mr. Keshav Saini, Advs. for
R-1

Mob: 8920235424

Email:

sushantsinghal.law@gmail.comMr. G.S. Oberoi, SC, Mr. Ankur
Sharma, Ms. Shaifali Jain and Mr.
J.S. Oberoi, Advs.

Mob: 9811667770

Email: oberoi.gs@gmail.com**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J: (ORAL)**

1. The present writ petition has been filed by the petitioner being aggrieved by the order dated 18th March, 2025, passed by the learned Consumer Grievance Redressal Forum ("CGRF") in C.G. No. 604/2024, titled as "*Rajender Kumar Versus BSES Yamuna Power Limited*", wherein learned CGRF has allowed the complaint filed by the respondent no. 1, and



has directed the petitioner herein, to release new connection at the premises being *H. No. 376, Old Seemapuri, Shahdara, Delhi-110095*, applied by respondent no. 1, after completion of all the commercial formalities.

2. Learned counsel appearing for the petitioner submits that the impugned order dated 18th March, 2025 is contrary to the provisions of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017, Central Electricity Authority (Measures relating to safety and electric supply) Regulations, 2010 and Electricity Act, 2003.

3. Learned counsel appearing for the petitioner draws the attention of this Court to the Schedule of Charges and Procedure (Sixth Amendment) Order, 2021, issued by the Delhi Electricity Regulatory Commission (“DERC”) and relies upon the following Clause:

“xxx xxx xxx

(ii) *The clause 5 of the Declaration of Annexure-I shall be substituted and read as under:*

5. That the building has been constructed as per prevalent building Bye-Laws and the fire clearance certificate, if required, is available with the applicant.

xxx xxx xxx”

4. By referring to the aforesaid, learned counsel appearing for the petitioner submits that the since property has been booked for unauthorized construction, therefore, the petitioner cannot grant any electricity connection. He, thus, submits that the learned CGRF has wrongly directed the petitioner herein to grant connection to the respondent no. 1 herein.

5. *Per contra*, learned counsel appearing for respondent no. 1 draws the attention of this Court to the impugned order passed by the learned CGRF to submit that there is a categorical finding by the learned CGRF that property



Nos. H-376 and H-376A are different and distinct. Thus, he submits that since there is no unauthorized construction in his property, the petitioner ought to grant electricity connection to the property of the petitioner.

6. Learned counsel appearing for respondent no. 2, i.e., Municipal Corporation of Delhi (“MCD”), submits that the position as regards the status of the property of respondent no. 1, is yet to be ascertained by respondent no. 2.

7. Having heard learned counsel appearing for the parties, this Court notes that *vide* order dated 18th March, 2025, learned CGRF has given a finding in the following terms:

“xxx xxx xxx

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the applied address was never booked by MCD. Complainant stated that the subject premises are in use and occupation of the complainant, thus, no question of booking of property bearing no. H-376, Old Seemapuri, Delhi and property bearing no. H-376-A, Old Seemapuri, Delhi is distinct from the property bearing no. H-376, Old Seemapuri, Delhi. Complainant already has a temporary meter which was installed for construction. Complainant filed bill of temporary meter along with rejoinder.

4. During the hearing, OP was directed to produce K. No. file of the temporary connection CA No. 351402008 in the name of Mr. Rajender Kumar in which the address of the complainant is mentioned H-376, Old Seemapuri, Shahdara, Delhi-110095.

5. From the narration of facts and material placed before us we find that complainant applied for new electricity connection which OP rejected on pretext of MCD Objection as the premises booked due unauthorized construction. Regarding this objection of OP, that building is booked by MCD, in this regard, complainant stated that his premises is not booked by MCD and a temporary connection installed by respondent for construction. It is clear from the K. No. file complainant address is H-376 and booked property no. H-376-A are different.

6. Thus, the objection of OP is not justified and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connections in the applied



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premises.

xxx xxx xxx”

8. Perusal of the aforesaid order clearly shows that the learned CGRF has given a categorical finding that the address of respondent no. 1 herein is *H-376, Old Seemapuri, Shahdara, Delhi*, which is distinct from property bearing no. *H-376-A*.

9. Accordingly, in view of the aforesaid clear finding, this Court finds no impediment in the petitioner granting electricity connection to respondent no. 1.

10. This Court also notes the affidavit filed on behalf of respondent no. 1 herein, dated 21st March, 2025, which is in the following terms:

AFFIDAVIT

I, RAJINDER KUMAR SON OF SURI RAM KRISHAN R/C-376,
OLD SEEMAPURI SHAHDARA, DELHI 110056, do hereby
solemnly affirm and declare as under:-

1. That I am Citizen of India.
2. That I am the bonafide resident of the above said address.
3. I am complainant undertaking that if in future any authority takes any action, ESBS Yamuna Power Limited will be free to disconnect the new electricity connection without any further notice.
4. That it is my true and correct statement.

Verified at Delhi on 21/03/2025, that the
above and contents of this affidavit are true and correct to the
best of my knowledge and belief.

ATTESTED
21/03/2025
NOTARY PUBLIC DELHI

DEPONENT

11. However, this Court is of the view that the aforesaid affidavit filed by



the respondent no. 1 is not sufficient.

12. Accordingly, the respondent no. 1 is directed to file an affidavit with the petitioner, clearly stating that the property of the petitioner, i.e., *H-376, Old Seemapuri, Shahdara, Delhi-95*, is distinct and separate from property bearing *No. H-376-A Old Seemapuri, Shahdara, Delhi-95*, which has been booked by the MCD for unauthorized construction.

13. Respondent no. 1 shall also state in the affidavit that the property of the respondent no. 1 has not been booked for any unauthorized construction.

14. Upon such affidavit being submitted on behalf of respondent no. 1, the petitioner shall proceed to grant fresh electricity connection to the respondent no. 1.

15. It is clarified that in case in future, it is the case of MCD that the property *No. H-376-A*, which has been booked for unauthorized construction by the MCD, is same as the property of the petitioner, intimation in that regard shall be given to the petitioner herein.

16. In case of such intimation from the MCD, the petitioner shall take requisite action, in accordance with law.

17. It is clarified that since there is a categorical finding by learned CGRF that property *Nos. H-376 and H-376-A* are different and separate, and the respondent no. 1 also submits that an affidavit in that regard shall be submitted, it is clarified that the petitioner shall not be held to be in violation of its regulation, if subsequently, it is found that the property of the respondent no. 1 is also booked for unauthorized construction.

18. Let the affidavit in terms of today's order be filed by the respondent no. 1 with the petitioner, within a period of one week, from today.

19. Upon receipt of the requisite affidavit from respondent no. 1, the



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petitioner shall proceed to grant fresh electricity connection to respondent no. 1, expeditiously, in a time bound manner, preferably, within a period of two weeks, subject to the respondent no. 1 complying with all the compliances/directions, as indicated by the petitioner.

20. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

AUGUST 21, 2025/SK