



2025:DHC:8581



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

% **Date of Decision: 24.09.2025**

+ W.P.(C) 3629/2025 & CM APPL. 16952/2025

MS SADIYA USMANI AND ANR.

.....Petitioners

Through: None.

versus

BSES YAMUNA POWER LTD.

.....Respondent

Through: Mr. Moksh Arora, Advocate and Mr.
Santosh Ramdurg, Advocate
Mob: 9999061836
Email: moksh@kdatta.in

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+ W.P.(C) 4997/2025 & CM APPL. 22967/2025

BSES YAMUNA POWER LIMITED

.....Petitioner

Through: Mr. Moksh Arora, Advocate and Mr.
Santosh Ramdurg, Advocate
Mob: 9999061836
Email: moksh@kdatta.in

versus

MS. SADIYA USMANI & ORS.

.....Respondents

Through: Mr. Abhishek Mahajan, Advocate for
R-3
Mob: 9810981062
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officeofabhishekmahajan@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral)



1. *W.P.(C) 3629/2025* has been filed seeking directions to the respondent for installing new electricity connection meter at premises bearing no. 379, 3rd Floor, Ward No. IX, Chitla Gate, Chawri Bazar, Delhi-110006.
2. *W.P.(C) 4997/2025* is a petition that has been filed by BSES Yamuna Power Ltd., challenging the order dated 10th February, 2025, passed by the Consumer Grievance Redressal Forum (“CGRF”) in *Complaint No. 467/2024*, titled as “*Sadiya Usmani & Saida Salim Versus BSES Yamuna Power Limited*”, wherein, directions had been given to the BSES Yamuna Power Ltd., to provide electricity connection in the aforesaid premises.
3. An additional Status Report dated 02nd August, 2025, has been filed on behalf of Municipal Corporation of Delhi (“MCD”) in *W.P.(C) 7997/2025*, relevant portions of which, read as under:
 3. That the Property No. 379, Ward No. IX, Chitla Gate, Chawri Bazar, Delhi-110006 cannot be regularized owing to the following:-
 - (a) Because the building plan of the Property No. 379, Ward No. IX, Chitla Gate, Chawri Bazar, Delhi-110006 has been acknowledged in the name of Sh. Khalil Ahmed under Saral Scheme without completing the statutory formalities viz. the required NOC from DUAC, DMRC, ASI etc.
 - (b) Because as per the ownership documents i.e. the sale deed dated 21.07.1989, Sh. Khalil Ahmed is owner of Property No. 379, Ward No. IX, Chitla Gate, Chawri Bazar, Delhi-110006 admeasuring 94.5 sq. yds. / 79.013 sqm and the building plan has also been acknowledged for the same area. However, at site the building have been constructed in an area of 87.23 sqm. which implies that an area of approx. 8 sqm has been encroached.



- (c) Because in the sanctioned building plan, the right of way in front of the property has been shown to be 6m/20' (approx.) whereas at site the right of way in front of the property is 9'9". It is submitted that as per norms, the required right of way is 15'. It is submitted that no road widening has been shown or left in the building plan acknowledged.
- (d) Because at ground floor, 100% of the area has been covered without leaving any ventilation and the same has been converted into commercial by constructing 06 shops.
- (e) Because the construction at site is beyond compoundable limits. The paragraph 6 (e) of the status report dated 07.05.2025 is also clarified from the following table :

Permissible coverage : 90%

Permissible FAR : 350%

Note : Since the property falls in Special Area, full ground coverage is permissible and setbacks are not insisted upon in view of the Building Regulations for Special Area, Unauthorized Regularized Colonies and Village Abadis, 2010.

Floor	Construction within plot area i.e. 79.013 sqm	Construction beyond plot area /encroachment	Comments
Ground	Full Ground Coverage	8.0 sqm (Approx.)	Non compoundable
First	Full Ground Coverage	8.0 sqm (Approx.)	Non compoundable
Second	Coverage within permissible limits after demolition	8.0 sqm (Approx.)	Non compoundable
Third	Coverage within permissible limits after demolition	8.0 sqm (Approx.)	Non compoundable



Since the Property No. 379, Ward No. IX, Chitla Gate, Chawri Bazar, Delhi-110006 is in violation of the sanctioned building plan and the same cannot be regularized owing to the reasons mentioned in para 3 hereinabove, hence, the same is unauthorized construction and is liable to be demolished. It is submitted that the MCD issues occupancy cum completion certificate u/s 346 of the DMC Act-1957 when a building is constructed as per the sanctioned building plan. An occupancy cum completion certificate cannot be given to a building which is without any sanctioned building plan or in violation of the sanctioned building plan.



The property in question is neither having the occupancy cum completion certificate nor regularized. An NOC for electricity connection cannot be given to a building which is without any sanctioned building plan or in violation of the sanctioned building plan /without occupancy cum completion certificate/ not regularized because that would tantamount to giving consent by MCD to occupy the said building.

4. Perusal of the aforesaid Status Report shows that it is the clear stand of the MCD that a 'No Objection Certificate' ("NOC"), for electricity connection cannot be given to a building which is without any sanctioned plan or in violation of the Sanctioned Building Plan.

5. This Court notes that *vide* order dated 10th February, 2025, the learned CGRF has directed BSES Yamuna Power Ltd., to give electricity connection to the petitioners herein in *W.P.(C) 3629/2025*, subject to completion of all the formalities and giving an undertaking that whenever MCD will take action against the illegal construction, the BSES Yamuna Power Ltd., is free to disconnect the electricity connection in the entire building. The relevant portion of the order dated 10th February, 2025, passed by the learned CGRF, reads as under:

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connections in the entire building.

6. Accordingly, considering the facts and circumstances of the present case, it is directed that the BSES Yamuna Power Ltd. shall grant a fresh electricity connection to the petitioners in *W.P.(C) 3969/2025*, in the property in question.



2025:DHC:8581



7. It is further directed that as and when the MCD takes any coercive action against the property in question, BSES Yamuna Power Ltd., shall be duly intimated. At the time of any demolition or sealing action undertaken by the MCD, the BSES Yamuna Power Ltd., shall duly follow the directions of the MCD and disconnect the electricity at that point of time.
8. Needless to state that the petitioners in *W.P.(C) 3969/2025*, shall comply with all the commercial and nodal formalities before electricity connections are granted to them. Further, the BSES Yamuna Power Ltd., shall be free to disconnect the electricity connection as and when such direction is given by the MCD, at the time of taking action against the unauthorized construction.
9. It is clarified that grant of electricity connections by BSES Yamuna Power Ltd., pursuant to order passed by this Court, shall not be construed by the MCD as violation of its circulars in this regard, by BSES Yamuna Power Ltd., in any manner.
10. With the aforesaid clarification and directions, the present petitions along with the pending applications are disposed of.

MINI PUSHKARNA, J

SEPTEMBER 24, 2025

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