

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEW DELHI**

ORIGINAL APPLICATION NO. 707 OF 2023

IN THE MATTER OF:

Saira Begum

...Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

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BSES YAMUNA POWER LTD./RESPONDENT NO. 5

Through

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Place: New Delhi
Date: ____.10.2024

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**REPLY ON BEHALF OF RESPONDENT NO. 5/ BSES
YAMUNA POWER LTD.**

1. The present Reply is being filed on behalf of BSES Yamuna Power Ltd./Respondent No. 5 ("*Answering Respondent*") to the present Application seeking inter alia the following reliefs: -

- "a. Direct the Respondent No. 1-6 to seal the units of Respondent Nos. 7-19 situated at 1834, Gali Kuan Wali, Lal Darwaza, Sirki Wala, Lal Kuan, Delhi-110006.*
- b. Direct the Respondent No. 3 to impose the Environmental Compensation on the Respondent Nos. 7-19 units for damaging and destroying the environment."*

2. This Hon'ble Tribunal by an Order dated 28.11.2023 passed in the present Application was inter alia pleased to:

- (a) Issue Notice to the Respondents.
- (b) Constitute a committee comprising of the representatives of the Member Secretary, Central Pollution Control Board ("*CPCB*"), the Member Secretary, Delhi Pollution Control Committee ("*DPCC*") and Sub-Divisional Magistrate ("*SDM*") (South Delhi).

- (c) Direct the Committee to visit the site to ascertain the truthfulness of the allegations made in the Application and to suggest remedial measures and submit Status and Action Report before the Hon'ble Tribunal.
- (d) Direct the matter to be listed on 05.02.2024.

A copy of the Order dated 28.11.2023 passed by this Hon'ble Tribunal in O.A. No. 707 of 2023 in "*Saira Begum v. Govt. of NCT of Delhi & Ors.*" is annexed hereto and marked as **Annexure R5/1**.

3. The Applicant in the present Application has alleged that the Respondent Nos. 7 to 19 are running "Red Category" illegal factories/units which are operating in the residential area of Gali Kuan Wali, Lal Darwaza, Sirki Walan, Delhi ("*unit/ sites*") in blatant violation of the Environmental Rules and norms causing threat to the environment and public health.

4. In due compliance of the directions contained in the Order dated 28.11.2023 passed by this Hon'ble Tribunal, on 12.01.2024 and 29.01.2024, the Joint Committee constituted by this Hon'ble Tribunal along with the officials of MCD, Answering Respondent, DJB and the Delhi Police visited the factories/ units of the Respondent Nos. 7 to 19 situated in 1834, Gali Kuan Wali, Lal Darwaza, Sirki Walan, Lal Kuan, Delhi-110006 to inspect the said factories/ units.

5. The observations recorded in the Report of Joint Committee are as under:-

"2. *Observations*

- i. *The Joint Committee visited 13 nos. of alleged premises located in residential area in the property*

bearing no. 1834, Gali Kuan Wali, Lal Darwaza, Sirki Walan, Lal Kuan, Delhi-110006.

- ii. *Some of the alleged premises were found locked. Notice for inspection was served by DPCC on 12.01.2024. However, during the visit on 29.01.2024, the notice was found removed.*
- iii. *Exhaust cum stack was observed at the alleged site.*
- iv. *Borewell was spotted at the alleged site.*
- v. *Electric meters were provided for supply of power for the residential purposes.*
- vi. *During the visit on 29.01.2024, the new iron doors/gates were spotted in place of walls. Newly built walls were also observed at various locations within the premises.*
- vii. *No direct discharge of effluent & emission and withdrawal of Ground water was observed by the Joint Committee. However, the condition of roof, floor and walls of alleged sites, stack and availability of nuts and bolts, are imperative of industrial activities in residential area.”*

6. Pursuant to the inspection conducted by the Joint Committee of the units of Respondent Nos. 7 to 19, the actions taken by the Joint Committee and the Answering Respondent are mentioned herein below:

S. No.	Name of the owner/occupier of premises	Respondent No.	Observations made during joint inspection	Action taken/Remarks
Date of Inspection: 12.01.2024				
1.	Shamshad (Owner)	14	Permanent wall found erected inside the premises. Local enquiry/complainant revealed that Electroplating	Premises sealed and electricity disconnected

S. No.	Name of the owner/occupier of premises	Respondent No.	Observations made during joint inspection	Action taken/ Remarks
Date of Inspection: 12.01.2024				
			activity takes place behind wall.	
2.	Abid (Owner)	09	Premises found locked and owner/ occupier not opened the gate. Local enquiry revealed that Electroplating activity takes place inside premises.	Premises sealed and electricity disconnected.
3.	Arif and Mujahid (Owner)	07 and 15	During inspection premises were found vacant. However, permanent wall found erected inside premises. Local enquiry revealed that Electroplating activity takes place inside premises behind wall.	Premises sealed and electricity disconnected
4.	Sajid Mirza (Owner)	11	Borewell found exist inside the premises. Equipment related to Electroplating process found exists.	Premises sealed and electricity disconnected
5.	Iqbal (Owner)	17	Wall found erected at the main gate. Owner of premises refused and did not cooperate with joint	Water Supply disconnected on the spot.

S. No.	Name of the owner/occupier of premises	Respondent No.	Observations made during joint inspection	Action taken/ Remarks
Date of Inspection: 12.01.2024				
			team. Notice for inspection served/ pasted on wall of premises for 29.01.2024	
Date of inspection: 29.01.2024				
6.	Rais (Owner)	08	Premises found vacant.	No action taken
7.	Babuji (Tenant)	10	Premises found vacant.	No action taken
8.	Saify (Tenant)	12	Premises found vacant.	No action taken
9.	Shorab (Tenant)	13	Premises found vacant.	No action taken
10.	Mujahid (Owner)	15	Premises found vacant.	No action taken
11.	Daniyal (Owner)	16	Premises found vacant.	No action taken
12.	Iqbal (owner) (re-inspected)	17	Date of re-inspection: 29.01.2024 Premises found vacant.	Water supply already disconnected on 12.01.2024

S. No.	Name of the owner/occupier of premises	Respondent No.	Observations made during joint inspection	Action taken/Remarks
Date of Inspection: 12.01.2024				
13.	Shababudd in (Tenant)	18	Premises found vacant.	No action taken
14.	Asad (Tenant)	19	Premises found vacant. New wall also found erected inside premises	No action taken

7. The Report submitted by DPCC establishes that:
- (a) Permanent walls were found to be erected inside some of the units and electroplating activities were taking place behind the said walls.
 - (b) Exhaust cum stack was installed at the units.
 - (c) Borewells were spotted at some of the units.
 - (d) Electric meters were provided for supply of power for the residential purposes.
 - (e) During the inspection of the units of the Respondent Nos. 7 to 19, the Joint Committee determined that out of 13 units, 4 units (pertaining to Respondent Nos. 7,9,11, 14 and 15) were engaged in electroplating activities without necessary permits. As a result of such violation, MCD took the action of sealing the premises of the offending units and following the directions of the DPCC and MCD, the Answering Respondent disconnected the electricity supply to these units to prevent further illegal operations.

- (f) The remaining 9 units were found to be vacant during the inspection and no action was warranted against them.

Preliminary Objections and Submissions

8. It is respectfully submitted that the Applicant in the present Application has failed to appreciate the provisions of the Electricity Act, 2003 (*“Electricity Act”*) and Rules and Regulations framed thereunder including the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 (*“Supply Code”*) and the mechanism set out for disconnection of electricity supply to premises which are used in violation of the Master Plan for Delhi-2021 (*“MPD 2021”*) and the Building Bye-laws framed by the Delhi Development Authority (*“DDA”*). Thus, before adverting to the para-wise reply to the Application, the Answering Respondent seeks to submit the following:

- (a) The Answering Respondent is one of the three private electricity distribution utilities in the NCT of Delhi. The Answering Respondent undertakes its activities of distribution and retail supply of electricity in Central and East Circles of NCT of Delhi (Chandni Chowk, Darya Ganj, Dilshad Garden, Jhilmil, Karawal Nagar, Krishna Nagar, Laxmi Nagar, Mayur Vihar Ph 1 & 2, Vasundhara Enclave, Nandnagri, Pahar Ganj, Patel Nagar, Shankar Road and Yamuna Vihar) in accordance with the Electricity Act, 2003 and the Rules and Regulations framed thereunder and the directions by the Hon’ble Delhi Electricity Regulatory Commission (*“Hon’ble Delhi Commission”*).
- (b) The electricity distribution networks are developed, maintained and operated in accordance with the provisions

of the Electricity Act, 2003 and the Rules and Regulations framed thereunder and the directions/ orders issued by the Hon'ble Delhi Commission.

- (c) In terms of Section 42 of the Electricity Act, the Distribution Licensee including the Answering Respondent is required to develop and maintain an efficient, coordinated and economical distribution system in its area of supply and to supply electricity in accordance with the provisions contained in the Electricity Act.
- (d) In terms of Section 43 of the Electricity Act, an Applicant seeking electricity connection is required to submit an Application Form in the format as provided by the Hon'ble Delhi Electricity Regulatory Commission and complete all technical and commercial formalities. Pursuant thereto, upon verification of the Application Form, the Distribution Licensee provides supply of electricity to such premises. The format of the Application Form seeking New Connection and the details/disclosures/documents which must be submitted by an Applicant are also specified by the Hon'ble Delhi Commission.
- (e) Section 50 of the Electricity Act provides for the concerned State Commission to provide a Supply Code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply of electricity; measures for preventing tampering, distress or damage to electrical plant, or electrical line or meter, entry of Distribution Licensee or any person acting on his behalf for disconnecting supply and removing the meter; entry for

replacing, altering or maintaining electric lines or electrical plants or meter and such other matters. Accordingly, Hon'ble Delhi Commission has specified the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017.

Relevant extracts of the provisions of the Electricity Act, 2003 is annexed hereto and marked as **Annexure R5/2**.

- (f) In terms of the Regulation 11 of the Supply Code, an Applicant is required to make an Application for a new connection to the Distribution Licensee in the form notified in Orders passed by the Hon'ble Delhi Commission. On 15.04.2021, the Hon'ble Delhi Commission issued the "Schedule of Charges and the Procedure (Sixth Amendment) Order, 2021" (***DERC 6th Amendment Order***) wherein the Hon'ble Delhi Commission was pleased to provide an amended format of Application Form seeking new connection of electricity.
- (g) In terms of Regulation 50(7) read with Regulation 51(1)(iv) of the Supply Code, the supply of electricity to a premises can be disconnected by the Distribution Licensee if a specific direction in this regard is issued by an order of a legal authority, competent to issue such a direction. Regulation 50 of the Supply Code is reiterated herein below for the easy reference of this Hon'ble Tribunal:

"50. Grounds for Disconnection: The Licensee shall not disconnect the supply of electricity to any consumer except on any one or more of the following grounds: -

- (1) *If the consumer defaults in payment of the dues payable to the Licensee within the period stipulated in the notice.*
- (2) *If the consumer is found to have indulged in theft of electricity.*
- (3) *If the consumer refuses to allow a licensee or any person duly authorized by the licensee to enter his premises or land in pursuance of the provisions of sub-section (1) or sub-section (2) of Section 163 of the Act.*
- (4) *If the Licensee is entitled to do so under an agreement with the consumer.*
- (5) *Failure of consumer to comply for taking effective steps for generating harmonics within permissible limits as per Regulation 8.*
- (6) *Failure of consumer to make meter accessible as per Regulation 31.*
- (7) ***If the Licensee is mandated to do so by an order of a legal authority, competent to issue such a mandate.***
- (8) *If the supply of electricity to the consumer is liable to be disconnected as per any of the provisions of the Regulations.”*

(Emphasis Supplied)

Relevant extracts of the provisions of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 is annexed hereto and marked as **Annexure R5/3**.

Relevant extracts of the Schedule of Charges and the Procedure (Sixth Amendment) Order, 2021 is annexed hereto and marked as **Annexure R5/4**.

9. In view of the above, it is humbly submitted that:
 - (a) It is noteworthy that the Answering Respondent has no statutory authority or the wherewithal to identify and/ or

certify as to whether a premises is being used in violation of the provisions of the laws (except the Electricity Act, 2003 and Rules and Regulations framed thereunder).

- (b) The Answering Respondent cannot be called upon to determine as to whether any industrial unit is operating legally or illegally and is not authorized to seal the unit. The Answering Respondent cannot be called upon to determine whether the industrial activity is situated in a “non-conforming” or a “conforming” area.
- (c) MCD/DPCC is the competent statutory authority which is empowered and competent to determine as to whether any industrial unit is operating legally or illegally and what is the nature of the Industrial Activity.
- (d) The Monitoring Committee appointed by the Hon’ble Supreme Court of India has formulated a procedure for taking joint action against units which are running in violation of the MPD 2021 or the Building Bye Laws.
- (e) The following procedure formulated by the Monitoring Committee, is already being implemented: -
 - (i) A common template for compilation of data relating to disconnection of electricity and water connection has been prepared.
 - (ii) The MCD provides requisite details of the offending properties and the Schedule for the sealing of the illegally operating unit.
 - (iii) A joint team comprising representatives of MCD, the Delhi Jal Board and DISCOM visit the premises for

sealing of the premises, disconnection of electricity and water supply.

- (f) The Master Plan for Delhi-2021 is framed by the Delhi Development Authority and any modifications thereto are approved by the Central Government.
- (g) In terms of Section 14 of the Delhi Development Act, 1957 (“*DDA Act*”), no person is permitted to use any land or building in a zone otherwise than in conformity with the Master Plan. Sections 7 and 8 of the DDA Act provides for preparation of Master Plan and respective Zonal Development Plans. The procedure and the date of operation of the plan including the mode of approval of the plans is provided in Sections 9, 10 and 11 of the DDA Act. In terms of Section 11 (a) of the DDA Act, modifications to the existing Master Plan/Zonal Development Plans can be made by the approval of the Central Government.
- (h) The Scheme of the DDA Act provides that the Master Plan and the Zonal Development Plans are statutory in nature and contravention thereof is prohibited.
- (i) The issues relating to misuse of a property in contravention of the MPD 2021 and the Zonal Development Plans in respect of developed areas are to be dealt with under the Municipal Corporation of Delhi Act, 1957 (“*MCD Act*”). The MCD Act mandates that before any fresh construction or even before modification of an existing building so as to convert the usage, the Applicant has to take prior approval of the Commissioner of the concerned MCD.

- (j) There is specific embargo on any erection of buildings or any commencement of work without obtaining prior approval from the concerned MCD. The Commissioner of the concerned MCD is *inter alia* mandated to reject any proposal if the same would contravene the provisions of any law. The process of seeking approval and other issues relating thereto are extensively dealt with under Chapter XVI of the DMC Act. ***(Reliance is placed upon Sections 331 to 337, 343, 344, 345, 345A and Section 347 of the DMC Act)***
- (k) If there is any misuse of the premises in contravention of MPD 2021, the MCD is mandated to reject any proposal for construction/conversion. The MCD is further mandated to stop the ongoing construction/conversion and to seal/demolish the already constructed unauthorized construction.

Relevant extracts of the DMC Act, 1957 and the DDA Act, 1957 are annexed hereto and marked as **Annexure R5/5** and **Annexure R5/6** respectively.

10. In view of the practical difficulties faced by the various civic authorities/Municipal authorities in taking prompt action against the offending units, a procedure has been devised so as to redress and to provide a comprehensive solution. In the present context, it is noteworthy that: -

- (a) The Minutes of Meeting issued on 17.09.2018 *inter alia* record that in the meeting held on 13.09.2018 by the Monitoring Committee in the conference room of the Ld. Chief Secretary, Delhi Government to discuss the implementation of the Order dated 24.08.2018 passed by the

Hon'ble Supreme Court of India in WP (C) NO. 4677 of 1985 titled as "M.C. Mehta vs. Union of India & Ors", it was *interalia* decided that:-

"10. The Chief Secretary invited suggestions from the members of the committee and other participants in the meeting to ensure effective implementation of the order dated 07.05.2004 of Hon'ble Supreme Court. Based on the suggestions given by the members of the Committee and other participants and after detailed discussions, following decisions were taken:-

- (i) *That, in **Step -1**, the Municipal Corporations will ensure that the industrial units under their respective jurisdiction out of the list of 21960 industrial units (lists already sent to Municipal Corporations) who have been allotted alternate industrial plots under the Relocation Scheme are closed, if they have not closed down operations. Sealing of premises, disconnection of electricity and water supply should be ensured wherever required. The process should be completed within 15 days."*

The Minutes also record that:-

*"8. Secretary (Power) and representatives of DISCOMS informed that they are unable to trace the premises in some cases where electricity supply is to be disconnected for want of complete address. **After detailed discussion, it was decided that a joint team comprising of representative of concerned Municipal Corporation and DISCOM should visit the premises for disconnection of electricity supply.**"*

A copy of the Minutes of Meeting held on 13.09.2018 is annexed hereto and marked as **Annexure R5/7**.

- (b) The Minutes of Meeting issued on 24.09.2018 *interalia* record in the meeting held under the chairmanship of Principal Secretary-cum-Commissioner (Industries), Government of NCT of Delhi on 20.09.2018, it was *interalia* decided that: -

“4. A common template for compilation of data relating to disconnection of electricity and water connection will be prepared jointly by the DJB and DISCOMS and will be immediately forwarded to all the three Municipal Corporations. Thereafter the information in the template will be furnished by the Municipal Corporations to the DJB and DISCOMS for further action.”

A copy of the Minutes of Meeting held on 20.09.2018 is annexed hereto and marked as **Annexure R5/8**.

- (c) On 03.10.2018, the Deputy Commissioner of Industries, Delhi Government had forwarded the Draft of the Common Template for maintaining data in respect of cases being sent by the concerned MCDs to the DISCOMS for disconnection of electricity supply and to DJB for disconnection of water supply. This template was sent to all the concerned stakeholders.

A copy of the Letter dated 03.10.2018 issued by the Deputy Commissioner of Industries, Government of NCT of Delhi is attached herewith and marked as **Annexure R5/9**.

- (d) The Monitoring Committee by the communication dated 09.09.2009 had interalia noted that:-

“.. As per the practice laid down by the Monitoring Committee, the sealing team is required to be accompanied by representatives of Delhi Jal Board, BSES Rajdhani/NPDL and NDMC.”

11. Thus, it is evident that the concerned civic agency including Municipal Corporation of Delhi and/or the Delhi Pollution Control Committee have to not only provide the list of the offending units to the DISCOMS including the Answering Respondent but the action of sealing, disconnection of electricity supply and water

connection is done as per the joint action plan prepared by the Municipal Corporation of Delhi and/or the Delhi Pollution Control Committee.

12. It is also necessary that after the disconnection of power supply at the offending premises, the MCD effectively seal the property so as to make them un-inhabitable. This is essential to obviate any chance of theft of electricity or misuse of electricity by the occupants of the offending properties.

13. Thus, it is imperative that MCD issues direction in respect of the specific electricity connections/ disconnection installed at a particular premises. The Answering Respondent duly complies with all the instructions and directions received from the MCD and other competent authorities for disconnection of electricity connection to a premises or for refusal to grant new electricity connection to a premises. The Answering Respondent acts against the offending properties as and when such a direction is received and the offending premises are identified.

14. In respect to the present Application, the Joint Committee consisting of representatives of CPCB, DPCC, MCD, DJB, Delhi Police and the Answering Respondent has taken decisive action against the offending units which are operating unauthorisedly. The Answering Respondent has disconnected the electricity supply of the offending units, following the directions from the civic authorities.

15. It is respectfully submitted that the Answering Respondent have made earnest efforts to adhere to and enforce the directives issued by the relevant civic authorities and will continue to do so in joint action to ensure compliance and to uphold regulatory standards.

Para-Wise Reply

16. That the contents of Paragraphs 1, 2, 3 and 4 of the Application being matter of record need no specific response, what is not borne out of the records is denied as alleged. The contents of the paragraphs do not pertain to the Answering Respondent and thus do not require a specific response.

17. The contents of Para 5.1 to 5.13 of the Application being matter of record need no specific response, what is not borne out of the records is denied as alleged. It is submitted that the contents of the paragraphs do not pertain to the Answering Respondent and thus do not require a specific response. The submissions made hereinabove are reiterated and are not reproduced hereunder to avoid prolixity and duplication. It is humbly submitted that in compliance with the Order dated 28.11.2023 passed by this Hon'ble Tribunal in the present Application, a Joint Committee comprising of the representatives of the CPCB, DPCC and SDM (Karol Bagh) was constituted and on 12.01.2024 and 29.01.2024, the Joint Committee along with the officials of MCD, DJB, Delhi Police and the Answering Respondent visited the factories/ units of the Respondent Nos. 7 to 19 situated in 1834, Gali Kuan Wali, Lal Darwza, Sirki Walan, Lal Kuan, Delhi-110006 to inspect the said factories/ units. The Answering Respondent disconnected electricity supply to premises as directed by the Committee. In terms of Regulation 50(7) read with Regulation 51(1)(iv) of the Supply Code, the supply of electricity to a premises can be disconnected by the Distribution Licensee if a specific direction in this regard is issued by an order of a legal authority, competent to issue such a direction.

18. That in response to the contents of Para 5.14 of the Application, it is submitted that on 12.01.2024, the Joint Committee along with the officials of MCD, DJB, Delhi Police and Answering Respondent carried out a joint inspection at the units of Respondent Nos. 7 to 19. During the inspection on the said date, some of the units were found locked/ the owner did not open the gate for the inspecting officials. On the same day, DPCC served a Notice for inspection on the said premises. However, on 29.01.2024, when the Joint Committee conducted a follow-up inspection, the Notices were found to be removed from the units and some of the units were locked/ vacant.

19. That the contents of Para 5.15 of the Application, save and except the matter of record are denied as alleged. It is respectfully submitted to ensure that the offending premises do not restart the unauthorized use of their premises, it is imperative that the offending premises are sealed by the MCD. After an electricity distribution licensee such as the Answering Respondent disconnects electricity supply based on the directions issued by the DPCC/MCD, it is essential that the premises is sealed so as to obviate the possibility of unauthorized reconnection of electricity supply.

20. The contents of Para 5.16 to 5.19 of the Application being matter of record need no specific response, what is not borne out of the records is denied as alleged. It is submitted that the contents of the paragraphs do not pertain to the Answering Respondent and thus do not require a specific response. The submissions made hereinabove are reiterated and are not reproduced hereunder to avoid prolixity and duplication. It is respectfully submitted that the Representation dated 02.11.2023 as annexed as Annexure A/4 is

not addressed to the Answering Respondent. It is humbly submitted that in compliance with the Order dated 28.11.2023 passed by this Hon'ble Tribunal in the present Application, a Joint Committee comprising of the representatives of the CPCB, DPCC and SDM (Karol Bagh) was constituted and on 12.01.2024 and 29.01.2024, the Joint Committee along with the officials of MCD, DJB, Delhi Police and the Answering Respondent visited the factories/ units of the Respondent Nos. 7 to 19 situated in 1834, Gali Kuan Wali, Lal Darwza, Sirki Walan, Lal Kuan, Delhi-110006 to inspect the said factories/ units. The Answering Respondent disconnected electricity supply to premises as directed by the Committee.

21. That the contents of Para 5.20 and 5.21 of the Application, save and except the matter of record are denied as alleged. It is reiterated that the electricity supply to offending premises i.e. an industrial unit operating in violation of the Environmental laws is disconnected by the Answering Respondent based on the specific direction issued by the competent authority such as the MCD/ DPCC.

22. The contents of Grounds (Paras 6.1 to 6.9) of the Application are being matter of record need no specific response, what is not borne out of the records is denied as alleged. It is submitted that the contents of the paragraphs do not pertain to the Answering Respondent and thus do not require a specific response. The submissions made hereinabove are reiterated and are not reproduced hereunder to avoid prolixity and duplication. It is respectfully submitted that the Applicant has not raised any Ground on fact or in law with respect to the Answering Respondent. The Answering Respondent as a responsible

corporate has always made sincere efforts to ensure due and prompt compliance with the directions issued by the Hon'ble Court, this Hon'ble Tribunal and the concerned statutory authorities such as the Municipal Corporation of Delhi and the Delhi Pollution Control Committee. It is reiterated that disconnection of electricity supply to an offending premises is done solely based on the specific directions issued by the competent statutory authorities. In terms of the existing practice, the disconnection of electricity supply is done during the joint inspection conducted by the MCD/ DPCC, the DISCOM (including the Answering Respondent), the Delhi Jal Board and the Delhi Police. It is humbly prayed that this Hon'ble Tribunal may be pleased to direct the Municipal Corporation of Delhi and the Delhi Pollution Control Committee to schedule joint action against the offending premises wherein the electricity and water connections are disconnected and the offending premises/ units are effectively sealed.

23. That the contents of Para 7 of the Application, save and except the matter of record are denied. It is submitted that the allegations raised by the Applicant in the Paragraphs under Reply have been adequately responded to by the Answering Respondent in the foregoing paragraphs of the Preliminary Objections and Submissions and are not being repeated for the sake of brevity and to avoid prolixity and may be read as part and parcel of the para-wise reply to the paragraph under response.

24. The Answering Respondent craves liberty of this Hon'ble Tribunal to file any additional submissions/ Reply to the Application or any Report as and when directed by this Hon'ble Tribunal or so advised.

PRAYER

In view of the submissions made herein above, it is humbly prayed that this Hon'ble Tribunal may be pleased to close the present proceedings.

BSES YAMUNA POWER LTD./RESPONDENT NO. 5

Through



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Phone No.: 9818644755

Place: New Delhi
Date: ____.10.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 707 OF 2023**

IN THE MATTER OF:

Saira Begum ...Applicant
Versus
 Govt. of NCT of Delhi & Ors. ...Respondents

AFFIDAVIT

I, Rahul Keshav, S/o Late Shri Suresh Chand, aged about 35 years, working with Respondent No. 5 i.e. BSES Yamuna Power Limited, having its registered office at Shakti Kiran Building, Karkardooma, New Delhi-110032, do hereby solemnly affirm and declare as under: -

1. I say that I am authorized and competent to affirm this Affidavit for and on behalf of the Answering Respondent No. 5. I say that I am acquainted with the facts and circumstances of the present case and have read and understood the contents of the accompanying Reply.
2. I state that the facts stated in the accompanying Reply are true and correct based on the records maintained by the Answering Respondent No. 5 in its ordinary course of business and the submissions made therein are based upon information received by me and believed to be true.
3. I state that the present Reply has been drafted pursuant to my instructions and its contents are true and correct.



Rahul Keshav
DEPONENT **Rahul Keshav**
 Sr. Manager, Legal
 Emp. No. 41019987
 BSES Yamuna Power Ltd.

VERIFICATION

*Verify col
S. Anil K. Oberoi
01/10/2024*

I, the deponent above named, do hereby verify that the contents of my above Affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

15 OCT 2024

Verified at New Delhi on this ____ day of _____, 2024.

Rahul Keshav
Rahul Keshav
DEPONENT **Manager, Legal**
Emp. No. 41019987
BSES Yamuna Power Ltd.

*I Identify the Deponent who
has Signed in my Presence*



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. *Rahul Keshav*
S/o, W/o, D/o *Suresh Chand*
R/o.....
Identified By Sh. *Ashwini Sharma*
has solemnly affirmed to me at Delhi
on..... that the contents of the Affidavit which
have been sworn to by him are
true and correct to his knowledge.

[Signature]
Notary Public Delhi (INDIA)

15 OCT 2024

Item No.06

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 707/2023

Saira Begum

Versus

Applicant

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 28.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Mansi Chahal, Adv. for Applicant

ORDER

1. In this original application, the applicant has raised the grievance that Respondent Nos. 7 to 19 are red category polluting units which are operating in the residential area of Gali Kuan Wali, Lal Darwaza, Sirki Walan, Lal Kuan, Delhi.

2. As per the allegation, the units are engaged in the process of washing and polishing of nuts and bolts by the use of hydrochloric acid and the units are causing air and water pollution and are operating in violation of the environmental norms.

3. It is also alleged that the units are illegally drawing ground water by using illegal borewells without any permissions/NOC.

4. The units are directly discharging their effluent/used hydrochloric

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6. The original application raises substantial issue relating to the compliance of the provisions of the schedule Acts.
7. Hence, we also deem it proper to constitute a joint committee comprising of the representative of the Member Secretary, Central Pollution Control Board (CPCB), the Member Secretary, Delhi Pollution Control Committee (DPCC) and SDM, South Delhi.
8. The Committee is directed to visit the site ascertain the truthfulness of the above allegations and also suggest the remedial measures and submit status and action taken report before the Tribunal within a period of two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
9. A copy of this order be forwarded to the Member Secretary, CPCB, Member Secretary, DPCC and SDM, South Delhi by e-mail for compliance.
10. Issue notice to the respondents.
11. The applicant is directed to serve the respondents and file affidavit of service on or before the next date of hearing.
12. List on 05.02.2024.

Prakash Shrivastava, CP

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ANNEXURE R/2

THE ELECTRICITY ACT, 2003

ACT No. 36 OF 2003

[26th May, 2003.]

An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. Short title, extent and commencement. — (1) This Act may be called the Electricity Act, 2003.

(2) It extends to the whole of India^{1***}.

(3) It shall come into force on such date² as the Central Government may, by notification, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) “Appellate Tribunal” means the Appellate Tribunal for Electricity established under section 110;

(2) “appointed date” means such date as the Central Government may, by notification, appoint;

(3) “area of supply” means the area within which a distribution licensee is authorised by his licence to supply electricity;

(4) “Appropriate Commission” means the Central Regulatory Commission referred to in sub-section (1) of section 76 or the State Regulatory Commission referred to in section 82 or the Joint Commission referred to in section 83, as the case may be;

(5) “Appropriate Government” means,—

(a) the Central Government,—

(i) in respect of a generating company wholly or partly owned by it;

(ii) in relation to any inter-State generation, transmission, trading or supply of electricity and with respect to any mines, oil-fields, railways, national highways, airports, telegraphs, broadcasting stations and any works of defence, dockyard, nuclear power installations;

(iii) in respect of the National Load Despatch Centre and Regional Load Despatch Centre;

(iv) in relation to any works or electric installation belonging to it or under its control;

(b) in any other case, the State Government, having jurisdiction under this Act;

(6) “Authority” means the Central Electricity Authority referred to in sub-section (1) of section 70;

1. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

2. 10th June, 2003 (ss. 1 to 120 and ss. 122 to 185), vide notification No. S.O. 669(E), dated 10th June, 2003, see Gazette of India, Extraordinary, Part II, sec. 3(ii).

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* * * * *

Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Appropriate Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

41. Other business of transmission licensee.—A transmission licensee may, with prior intimation to the Appropriate Commission, engage in any business for optimum utilisation of its assets:

Provided that a proportion of the revenues derived from such business shall, as may be specified by the Appropriate Commission, be utilised for reducing its charges for transmission and wheeling:

Provided further that the transmission licensee shall maintain separate accounts for each such business undertaking to ensure that transmission business neither subsidises in any way such business undertaking nor encumbers its transmission assets in any way to support such business:

Provided also that no transmission licensee shall enter into any contract or otherwise engage in the business of trading in electricity.

PART VI

DISTRIBUTION OF ELECTRICITY

Provisions with respect to distribution licensees

42. Duties of distribution licensee and open access.—(1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

(2) The State Commission shall introduce open access in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

Provided that ²[such open access shall be allowed on payment of a surcharge] in addition to the charges for wheeling as may be determined by the State Commission:

Provided further that such surcharge shall be utilised to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee:

Provided also that such surcharge and cross subsidies shall be progressively reduced ^{3***} in the manner as may be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use:

1. The Third proviso omitted by Act 26 of 2007, s. 6 (w.e.f. 15-6-2007).

2. Subs. by s.7, *ibid.*, for "such open access may be allowed before the cross subsidies are eliminated on payment of a surcharge" (w.e.f. 15-6-2007).

3. The words "and eliminated" omitted by s. 7, *ibid.* (w.e.f. 15-6-2007).

¹[Provided also that the State Commission shall, not later than five years from the date of commencement of the Electricity (Amendment) Act, 2003 (57 of 2003), by regulations, provide such open access to all consumers who require a supply of electricity where the maximum power to be made available at any time exceeds one megawatt.]

(3) Where any person, whose premises are situated within the area of supply of a distribution licensee, (not being a local authority engaged in the business of distribution of electricity before the appointed date) requires a supply of electricity from a generating company or any licensee other than such distribution licensee, such person may, by notice, require the distribution licensee for wheeling such electricity in accordance with regulations made by the State Commission and the duties of the distribution licensee with respect to such supply shall be of a common carrier providing non-discriminatory open access.

(4) Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply.

(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.

(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

(8) The provisions of sub-sections (5), (6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub-sections.

43. Duty to supply on request.—(1) ²[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

³[*Explanation.*—For the purposes of this sub-section, “application” means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]

1. Ins. by Act 57 of 2003, s. 3 (w.e.f. 27-1-2004).

2. Subs. by Act 26 of 2007, s. 8, for “Every distribution” (w.e.f. 15-6-2007).

3. Ins. by s. 8, *ibid.* (w.e.f. 15-6-2007).

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

44. Exceptions from duty to supply electricity.—Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control.

45. Power to recover charges.—(1) Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.

(2) The charges for electricity supplied by a distribution licensee shall be—

(a) fixed in accordance with the methods and the principles as may be specified by the concerned State Commission;

(b) published in such manner so as to give adequate publicity for such charges and prices.

(3) The charges for electricity supplied by a distribution licensee may include—

(a) a fixed charge in addition to the charge for the actual electricity supplied;

(b) a rent or other charges in respect of any electric meter or electrical plant provided by the distribution licensee.

(4) Subject to the provisions of section 62, in fixing charges under this section a distribution licensee shall not show undue preference to any person or class of persons or discrimination against any person or class of persons.

(5) The charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the regulations made in this behalf by the concerned State Commission.

46. Power to recover expenditure.—The State Commission may, by regulations, authorise a distribution licensee to charge from a person requiring a supply of electricity in pursuance of section 43 any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply.

47. Power to require security.—(1) Subject to the provisions of this section, a distribution licensee may require any person, who requires a supply of electricity in pursuance of section 43, to give him reasonable security, as may be determined by regulations, for the payment to him of all monies which may become due to him—

(a) in respect of the electricity supplied to such persons; or

(b) where any electric line or electrical plant or electric meter is to be provided for supplying electricity to such person, in respect of the provision of such line or plant or meter,

and if that person fails to give such security, the distribution licensee may, if he thinks fit, refuse to give the supply of electricity or to provide the line or plant or meter for the period during which the failure continues.

(2) Where any person has not given such security as is mentioned in sub-section (1) or the security given by any person has become invalid or insufficient, the distribution licensee may, by notice, require that person, within thirty days after the service of the notice, to give him reasonable security for the

payment of all monies which may become due to him in respect of the supply of electricity or provision of such line or plant or meter.

(3) If the person referred to in sub-section (2) fails to give such security, the distribution licensee may, if he thinks fit, discontinue the supply of electricity for the period during which the failure continues.

(4) The distribution licensee shall pay interest equivalent to the bank rate or more, as may be specified by the concerned State Commission, on the security referred to in sub-section (1) and refund such security on the request of the person who gave such security.

(5) A distribution licensee shall not be entitled to require security in pursuance of clause (a) of sub-section (1) if the person requiring the supply is prepared to take the supply through a pre-payment meter.

48. Additional terms of supply.—A distribution licensee may require any person who requires a supply of electricity in pursuance of section 43 to accept—

(a) any restrictions which may be imposed for the purpose of enabling the distribution licensee to comply with the regulations made under section 53;

(b) any terms restricting any liability of the distribution licensee for economic loss resulting from negligence of the person to whom the electricity is supplied.

49. Agreements with respect to supply or purchase of electricity.—Where the Appropriate Commission has allowed open access to certain consumers under section 42, such consumers, notwithstanding the provisions contained in clause (d) of sub-section (1) of section 62, may enter into an agreement with any person for supply or purchase of electricity on such terms and conditions (including tariff) as may be agreed upon by them.

[50. The Electricity supply code.—The State Commission shall specify an electricity supply code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply of electricity, measures for preventing tampering, distress or damage to electrical plant or electrical line or meter, entry of distribution licensee or any person acting on his behalf for disconnecting supply and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plants or meter and such other matters.]

51. Other businesses of distribution licensees.—A distribution licensee may, with prior intimation to the Appropriate Commission, engage in any other business for optimum utilisation of its assets:

Provided that a proportion of the revenues derived from such business shall, as may be specified by the concerned State Commission, be utilised for reducing its charges for wheeling:

Provided further that the distribution licensee shall maintain separate accounts for each such business undertaking to ensure that distribution business neither subsidises in any way such business undertaking nor encumbers its distribution assets in any way to support such business:

Provided also that nothing contained in this section shall apply to a local authority engaged, before the commencement of this Act, in the business of distribution of electricity.

Provisions with respect to electricity traders

52. Provisions with respect to electricity trader.—(1) Without prejudice to the provisions contained in clause (c) of section 12, the Appropriate Commission may, specify the technical requirement, capital adequacy requirement and credit worthiness for being an electricity trader.

(2) Every electricity trader shall discharge such duties, in relation to supply and trading in electricity, as may be specified by the Appropriate Commission.

1. Subs. by Act 26 of 2007, s. 9, for section 50 (w.e.f. 15-6-2007).

**(TO BE PUBLISHED IN DELHI GAZETTE EXTRAORDINARY PART)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI**

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, C-Block, Shivalik, Malviya Nagar, New Delhi-110017

Notification

Delhi

No. F.17(85)/Engg./DERC/15-16/5109----- In exercise of the powers conferred by Section 46, 50 read with Section 57, Section 181 of the Electricity Act, 2003 (Act 36 of 2003) and all other powers enabling it in this behalf and after previous publication, the Delhi Electricity Regulatory Commission hereby makes the following Regulations, namely Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017.

**CHAPTER - I
GENERAL**

1. Short title, extent and commencement:-

- (1) These Regulations may be called "Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017".
- (2) These Regulations shall be applicable to all the Distribution Licensees including Deemed Licensees and all consumers in the National Capital Territory of Delhi.
- (3) These Regulations shall come into force from 1.9.2017.

2. Definitions:-

In these Regulations, unless the context otherwise requires:-

- (1) "**Act**" means the Electricity Act, 2003, as amended from time to time;
- (2) "**Accredited laboratory**" means a laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL);

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- (ii) An undertaking to be given by the consumer to the effect that alteration/addition is as per the prevailing Building Bye-Laws;

11. New Electricity Connection:-

The Licensee shall process the application for new connection, within the time frame as specified in these Regulations

(1) Submission of application along with all documents:-

- (i) The Applicant shall make application for new connection to the Licensee in the form notified in the Commission's Orders:

Provided that a non-refundable registration cum processing fee as notified in the Commission's Orders shall be levied on the applicant applying connection at Extra High Tension or High Tension voltage level.

- (ii) The applicant can also make application for new connection online on the website of Licensee:

Provided that the applications for new connection for 50 kVA and above, unless any other lower value as may be notified by the Commission from time to time, shall be submitted through online system only.

- (iii) If the Applicant wishes to provide his own meter of approved specifications, he shall explicitly inform the same to the Licensee at the time of making the application.
- (iv) The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently.
- (v) In case the Licensee fails to intimate the applicant about any deficiencies in his application on the spot or within the stipulated 2 (two) days in case of online application, as the case may be, the application shall be deemed to have been accepted by the Licensee on the date of receipt of the application.

- (vi) In case the applicant fails to remove such defects or fails to inform the Licensee about removal of deficiencies within 30 (thirty) days from the date of receipt of intimation of deficiencies, the application shall stand lapsed and the applicant will have to apply afresh.
- (vii) The application shall be considered to be accepted only on removal of deficiencies as indicated under this Regulation.

(2) Field Inspection:-

- (i) In case the application form is complete, the Licensee shall, at the time of receipt of application form, stipulate a date and time for inspection of applicant's premises in mutual consultation with the applicant, giving a written acknowledgement.
- (ii) The date of inspection shall be scheduled within 2 (two) days from the date of acceptance of the application:

Provided that if the applicant wishes to have a different date and time for field inspection, which is beyond the stipulated date & time, the excess time taken by the applicant shall neither be considered for computation of total time taken for release of connection nor for the purpose of compensation:

Provided further that if the applicant wishes, he can get the inspection scheduled on a holiday for the Licensee, on payment of an inspection fee as notified in the Commission's Orders.

- (iii) The Licensee shall conduct field inspection of the premises in the presence of the applicant or his representative on the appointed date and time.
- (iv) The Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

- a. the information as furnished in the application is at variance to the actual position, or
 - b. the installation is defective or
 - c. the energisation would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.
- (v) The Licensee shall give intimation to the applicant on the spot in writing about the defects/deficiencies, if any, observed during the field inspection.
- (vi) The applicant shall ensure that all defects/deficiencies are removed within 30 (thirty) days from receipt of intimation of defects/ deficiencies.
- (vii) On receipt of information from the applicant about removal of defects/deficiencies, the Licensee shall intimate the applicant about date for re-inspection of the premises of the applicant which shall not be later than 2 (two) days of receipt of information from the applicant about removal of defects/deficiencies.
- (viii) In case the applicant fails to remove such defects/deficiencies or fails to inform the Licensee about removal of defects/deficiencies within 30 days from the date of receipt of intimation of defects/deficiencies, the application shall stand lapsed and the applicant will have to apply afresh:
- Provided that the Licensee may grant additional time to the applicant for completion of works, in case the applicant submits a written request for the same, within 30 (thirty) days from the date of receipt of intimation of defects/deficiencies.
- (ix) In case the Licensee fails to carry out field inspection/re-inspection within 2 (two) days from the date of acceptance of application or from the date of receipt of intimation of removal of site defects/deficiencies, the load applied for

connection shall be deemed to have been sanctioned after 2 (two) days from the date of acceptance of the application or the date of receipt of information for removal of defects/deficiencies, as the case may be.

(3) Load Sanction and Demand Note:-

- (i) Save as otherwise provided in the Act or these Regulations, the Licensee shall sanction the load as requested by the applicant.
- (ii) The Licensee shall raise the demand note to the applicant, within 2 (two) days of the field inspection subject to rectification of defects/deficiencies, for applicable charges, giving its breakup under the heads such as Service Line cum Development (SLD) charges, Security deposit, security towards pre-payment meter, road restoration charges, reconnection charges, etc. after giving due adjustment for the registration cum processing fee collected, if any, at the time of submission of the application:

Provided that in cases where consumer contribution is required for augmentation of network, the demand note shall be raised by the licensee within 10 (ten) days of the field inspection.
- (iii) The applicant shall make payment within 2 (two) days of the receipt of the demand note.
- (iv) In case the applicant finds difficulty in making the payment within 2(two) days, the applicant may request the Licensee, in writing, for an extension of time for a maximum period of 15 (fifteen) days.
- (v) The Licensee shall be under obligation to energise the connection on receipt of full payment against the demand note subject to the condition that the time extended under sub-regulation (iv) above shall not be counted in working out the total time taken for energisation of connection by Licensee nor the consumer shall be entitled to seek any compensation for such extended period.

(4) Energisation of Connection:-**(i) Where connection is to be provided from existing distribution system in electrified areas:-**

- a. In cases where road cutting permission or right of way is not required, the Licensee shall energize the connection within 1(one) day from the date of receipt of full payment.
- b. In cases where road cutting permission or right of way is required, the Licensee shall energize the connection within 9(nine) days from the date of receipt of full payment:

Provided that if delay in road cutting permission or right of way is beyond 2(two) days from the date of submission of request by the distribution licensee, such delay shall not be counted in working out the total time taken for energisation of connection by Licensee nor the consumer shall be entitled to seek any compensation for such period.

- c. The total time for providing connection from existing distribution system shall not exceed the time schedule specified under these Regulations.
- d. For the purpose of illustration, the total time taken for release of connection in electrified area from the existing distribution system, where there is no deficiency in the application or during field inspection, shall be as under:

Sl. No.	Description	Time period
(i)	Acceptance of Application	Zero date
(ii)	Field Inspection	Within 2 days of Acceptance of Application

(iii)	Load Sanction and demand note	Within 2 days of Field Inspection
(iv)	Payment of demand note	Within 2 days of raising demand note
(v)	Release of connection, where no RoW or road cutting permission is required	Within 1 day of receipt of payment
	Release of connection, where RoW or road cutting permission is required	Within 9 days of receipt of payment
(vi)	Total time for release of connection where no RoW or road cutting permission is required	Within 7 days of acceptance of application
	Total time for release of connection where RoW or road cutting permission is required	Within 15 days of acceptance of application

(ii) **Connection where system augmentation is required in electrified areas:-**

- a. The Licensee shall not deny new connection as long as the peak load including the load capacity of the new connection on the applicable distribution transformer falls within and up to 90% of the rated capacity of the transformer.
- b. The Licensee shall take appropriate action for augmentation of the capacity, as soon as the peak load on the existing applicable distribution transformer(s) reaches about 70% of its rated capacity.

- c. Subject to sub-clause (a) above, if giving of new connection requires augmentation of distribution system, the Licensee shall inform the applicant about the approximate time frame by which the applied load can be energized. Such time frame shall not exceed the time schedule specified as under:

(i)	Electrified Areas (where extension of line upto five poles is required)	Within 15 days from the date of receipt of full payment against demand note.
(ii)	Electrified Areas (Where extension of lines or augmentation of Distribution Transformation capacity, where peak load of transformer has reached 90% of its rated capacity)	Within 2 months from the date of receipt of full payment against demand note.
(iii)	Electrified Areas (Where new Distribution Transformer is required)	Within 4 months from the date of receipt of payment against demand note
(iv)	Electrified Areas (Where existing 11 KV network needs to be augmented)	Within 6 months from the date of receipt of payment against demand note

(v)	Electrified Areas (Where existing 66/33 kV grid sub-station needs to be augmented)	Within 8 months from the date of receipt of payment against demand note
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Provided that the Licensee may approach the Commission for extension of time specified in specific cases, where magnitude of electrification works is such that it requires more time, duly furnishing the details in support of such request for extension.

(iii) Connection in Un-electrified areas:-

- a. The licensee shall upload the updated details of un-electrified areas as on 31st March of every year alongwith the geographical map clearly indicating the boundaries of such areas under its licensed area of supply by the end of April of that year:

Provided that the Licensee for the first time shall upload the details of un-electrified areas as on 31.7.2017 alongwith the geographical map clearly indicating the boundaries of such areas under its licensed area of supply:

Provided further that the details of un-electrified areas as on 31.7.2017 shall be uploaded by the Licensee on its website by 31.8.2017 and shall remain on its website unless reviewed by the Commission.

- b. The Licensee shall submit in the Business Plan, details of un-electrified areas under its area of supply and proposal for its electrification during the control period.
- c. The Licensee shall submit alongwith the filing of tariff petition, the detailed plan for electrification of these areas duly taking into account the number of pending applications for service connections, potential for load growth etc.

- d. The Licensee shall ensure that all relevant laws of the land are complied with.
- e. The Licensee shall complete the electrification of un-electrified areas and release the connection within the time schedule specified as under:

(i)	Where connection from nearby existing network is possible	<p>Within 4 months from the date of receipt of approval from the Commission, wherever required, subject to:</p> <p>(i) receipt of service line cum development charges under Regulation 21 from the developer or the applicant as the case may be; and</p> <p>(ii) availability of right of way & land, wherever required.</p>
(ii)	Where new network is to be laid or grid station needs to be established	<p>Within 12 months from the date of receipt of approval from the Commission, wherever required, subject to:</p> <p>(i) receipt of service line cum development charges under Regulation 21 from the developer or the applicant as the case may be; and</p> <p>(ii) availability of right of way & land, wherever required.</p>

Provided that on request of the licensee, the Commission may allow extension of time for electrification works in specific cases, based on the justification and the details furnished by the Licensee:

Provided further that once electrification of such area is completed, the timelines for energisation of connection shall be in accordance with the provisions of these Regulations for energisation of connection in electrified areas.

(iv) All connections to be energized using bus-bars:-

- a. If more than one connection in a premises/complex are energized using a single service line or a cable, all such connections shall be energized using the bus-bars only without looping with other meters.
- b. Any existing connection, provided through loop connections, energized prior to 18th April, 2007 (date of notification of Delhi Electricity Supply Code and Performance Standards Regulations, 2007), shall be rectified and re-energized using bus-bars within 6 (six) months from the date of applicability of these Regulations.
- c. The consumer shall have the right to check / verify that the neutral of its meter is connected directly from the bus bar and not in any other manner.
- d. Subject to Sub-Clause (b) above, if it is found that the consumer's meter is energized through neutral looping and not directly from the bus bar, the Licensee shall be liable to pay compensation as specified in Schedule-I of the Regulations.

(v) Compensation for delay in energizing connection:-

- a. In case the Licensee fails to provide the connection to an applicant within the prescribed time lines, the Licensee shall be liable to pay the applicant,

compensation as specified in Schedule-I of the Regulations.

- b. For determination of compensation, the time taken for release of connection shall not be considered on account of the following:-
- (i) If at any stage, additional time period is sought by the applicant for reasons to be recorded in writing; or
 - (ii) If the same is on account of reasons such as right of way, acquisition of land, delay in permission for road cutting etc., or occurrence of any force majeure event, over which Licensee has no control and the reasons for the delay are communicated to the applicant within the period specified for energisation; or
 - (iii) If additional time is allowed by the Commission for completion of work.
- c. In case the Licensee fails to provide connection to an applicant after raising a demand note, the Licensee shall pay the applicant, compensation as per Schedule-I of the Regulations:

Provided that the Licensee shall also refund the amount deposited by the applicant against the demand note along with interest as applicable in case of Security Deposit, within 30 (thirty) days from the date load is not sanctioned:

Provided further that if the connection could not be provided after issuance of the demand note for the reasons attributable to the applicant, no compensation shall be payable and the Licensee shall refund the amount deposited by the applicant against the demand note.

(vi) **Electricity Connection based on occupancy as per Regulation 10 (3)(v & vi):-**

- a. The Licensee shall provide the electricity connection to such applicant only through pre-payment meter by charging a refundable security also as notified in the Commission's Orders towards pre-payment meter:
Provided that if the load demanded by the applicant is more than 45kW, the Licensee may provide the connection through post-paid meter:
- b. The electricity connection shall be valid during the currency of said lease agreement or mutually extended period of lease by the occupier and the owner.
- c. The Licensee shall disconnect the electricity connection on expiry of lease agreement, unless extended.
- d. In case the proof of occupancy is rent receipt alongwith undertaking that the rent receipt is signed by the owner or his authorized representative, the electricity connection shall be disconnected on the request of the owner or his authorized representative:

Provided that notice of at least one month period shall be given by the owner or his authorized representative to the Licensee and the occupier .

- e. At the time of disconnection, if the pre-payment meter is not defective/damaged, the Licensee shall refund the security collected towards pre-payment meter alongwith the balance within 7 (seven) days of disconnection through demand draft or electronic clearance system.

12. Single point supply:

- (1) The Licensee shall, if so requested, give single point supply, to the premises with multiple consumers/beneficiaries such as:
 - (i) Multi-storey buildings.
 - (ii) Residential complex developed by any developer.

CHAPTER - VI
DISCONNECTION AND RECONNECTION

50. Grounds for disconnection:-

The Licensee shall not disconnect the supply of electricity to any consumer except on any one or more of the following grounds: -

- (1) If the consumer defaults in payment of the dues payable to the Licensee within the period stipulated in the notice.
- (2) If the consumer is found to have indulged in theft of electricity.
- (3) If the consumer refuses to allow a licensee or any person duly authorized by the licensee to enter his premises or land in pursuance of the provisions of sub-section (1) or sub-section (2) of Section 163 of the Act.
- (4) If the Licensee is entitled to do so under an agreement with the consumer.
- (5) Failure of consumer to comply for taking effective steps for generating harmonics within permissible limits as per Regulation 8.
- (6) Failure of consumer to make meter accessible as per Regulation 31.
- (7) If the Licensee is mandated to do so by an order of a legal authority, competent to issue such a mandate.
- (8) If the supply of electricity to the consumer is liable to be disconnected as per any of the provisions of the Regulations.

51. Procedure for Disconnection:-

- (1) Save as provided otherwise in these Regulations, the Licensee shall not disconnect electricity supply to any consumer without issuing him a disconnection notice, in writing, giving him at least 15 (fifteen) clear days, to be reckoned from the date of serving the same, intimating the consumer about the grounds for disconnection:

Provided that in the case of detection of theft of electricity, the supply of electricity shall be disconnected immediately as provided in subsection (1A) of Section 135 of the Act:

Provided further that in the case of disconnection under:

- (i) Regulation 50 (1), the Licensee may disconnect the supply of electricity on expiry of the notice period.
 - (ii) Regulation 50(5), the provisions of Regulation 8 shall be applicable.
 - (iii) Regulation 50(6), the provisions of Regulation 31 shall be applicable.
 - (iv) Regulation 50(7), the provisions of the Order of the Legal authority shall be applicable.
- (2) The supply shall be disconnected only if the grounds of the disconnection as specified in the notice are not removed or rectified within the notice period.
 - (3) The supply under Regulation 50(1), 50(4), 50(5), 50(6), 50(7) shall not be disconnected on bank holidays or after 12 noon.

52. Prevention from Unauthorized Reconnection:-

- (1) The consumer shall not reconnect its supply unauthorizedly from the system of the Licensee or from the live connection of any other consumer.
- (2) In case the consumer indulges in unauthorized reconnection from the system of the Licensee directly, the Licensee may initiate action as per provisions of Section 138 of the Act.
- (3) In case the consumer indulges in unauthorized reconnection from the supply of any other consumer, the Licensee may initiate action as per provisions of unauthorized use of electricity against such consumer who has provided the supply:

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ANNEXURE R/4

**Delhi Electricity Regulatory Commission**

Viniyamak Bhavan, C-Block, Shivalik, Malviya Nagar, New Delhi-110017

F.17(85)/Engg./DERC/2020-21/6908

**Schedule of Charges and the Procedure (Sixth Amendment) Order, 2021
(Date of Order: 15.04.2021)**

The Delhi Electricity Regulatory Commission in exercise of the powers vested under Regulation 84 and Regulation 87 of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017, hereby makes the following amendment in its Order dated 31.08.2017 (hereinafter referred to as "the Principal Order").

1.0 Short title and commencement:

This Order may be called as Schedule of Charges and the Procedure (Sixth Amendment) Order, 2021 and shall be effective from the date of its issue.

2.0 Amendment in Clause 2 of the Principal Order:

Sub-clause (3) and sub clause (4) shall be inserted at the end of Sub-clause (2) of Clause 2 of the Principal Order namely;

(3) *In case of residential buildings, for release of electricity connection the Distribution Licensee shall not insist for Fire Clearance Certificate for the residential building having height upto 15 meters without stilt parking and upto 17.5 meters with stilt parking:*

4(1) *In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the distribution licensee shall:*

(i) *release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:*

(ii) *in the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:*

Provided that in case such dwelling units above 15 meters without stilt parking and above 17.5 meters with stilt parking of the building indulge in unauthorized connection from the system of licensee or from the live connection of any other consumer, the licensee may initiate an action as per provisions of Section 126, Section 135, Section 138 or any other section as may be applicable of the Electricity Act, 2003 and the electricity connection of such consumer who has provided the supply unauthorisedly, shall be disconnected immediately;

4(2) *The Distribution Licensee shall inspect such premises periodically.*

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3.0 Amendment in Annexure of the Principal Order:

(i) The entry No. 3(b) in the Annexure I 'format for application form of new connection' shall be substituted and read as under:

(b)	<i>Where supply is required</i>	Unique Property Identification Code (UPIC)
		<i>House/plot/premise no.</i>
		<i>Street</i>
		<i>Area/colony</i>
		<i>Pin Code</i>
		<i>Telephone No.:</i>
		<i>Mobile:</i> <i>E-mail:</i>

(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.*

(iii) The clause 7B(ii) of the Declaration of Annexure-I shall be deleted and clause 7B shall be read as under:

B. Agricultural Consumers

i. *Certificate of Residence from Block Development Officer;*

(iv) The modified Annexure-I 'format for application form of new connection' is enclosed herewith.

Sd/-
(Dr. A. K. Ambasht)
Member

Sd/-
(Justice S. S. Chauhan)
Chairperson

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ANNEXURE-I

Format of application form – New Connection

Licensee name M/s....

Application No. _____



1.	Name of the applicant/organization:	
2.	Name of father/mother/spouse/director/partner/trustee:	
3.	Address:	
(a)	For communication	House/plot/premises no.
		Street
		Area/colony
		Pin Code
		Telephone No.: Mobile: E-mail:
(b)	Where supply is required	Unique Property Identification Code (UPIC)
		House/plot/premise no.
		Street
		Area/colony
		Pin Code
(c)	Indicate landmarks (Pole No./Feeder Pillar No./Nearest House No.) to identify the location	Telephone No.: Mobile: E-mail:

4.	Category for Electricity Usage (As per applicable Tariff Schedule)	(i) Domestic Category (ii) Non domestic (iii) Industrial (iv) Agricultural & Mushroom cultivation (v) Public Utilities (vi) DIAL (vii) Advertisement/Hoardings (viii) Charging of E-rickshaw/E-vehicle
Note: the applicant shall refer the applicable tariff schedule for correct tariff category. In case of any clarification, the applicant shall seek help of the licensee.		
5.	Purpose of supply	
6.	Total load applied for (in kW)/ (in kVA)	
7.	Contract Demand applied for (in kW)/ (in kVA)	
8.	PAN No. (For correct deduction of TDS, if any)	
9.	Please indicate whether you want to purchase your own CEA approved meter having additional features as approved by the Commission (Yes/No)	
10.	List of documents attached: (i) Identity proof submitted along with this application form (ii) Proof of ownership or occupancy of premises for which electricity connection is required (iii) If applicant is an organization (tick applicable)	Certificate of incorporation/registration issued by the Registrar
11.	Declaration Form	

Date:

Signature of the applicant/ authorized signatory along with company seal:

Place:

Name:

Declaration

I, _____ Son/Daughter of _____ Resident of _____ (hereinafter referred to as "Applicant", which term shall mean and include executors, administrators, heirs, successors and assigns), do hereby swear and declare as under:

Or

The _____, a company incorporated under the provisions of the Companies Act, 1956 or as amended, having its registered office at _____ (hereinafter referred to as "Applicant", which expression shall, unless repugnant to the context or meaning thereof, include its successors and assigns), through its Authorized representative Mr. _____, do hereby swear and declare as under:

Or

A Sole proprietorship/ a partnership firm having its office at _____ (hereinafter referred to as the applicant which unless the context otherwise provides includes its successors and assigns), through Mr. _____, who is a partner or an authorized representative do hereby swear and declare as under:

THAT the Applicant is a lawful occupant of the premises at _____ (hereinafter the "Premises").

THAT the Applicant has requested the licensee to provide a service connection at the above-mentioned premises in the Applicant's name for the purpose mentioned in the application form.

THAT in furnishing the present Declaration, the Applicant has clearly understood that should any of the statements in this declaration prove to be false or incorrect at any later stage, the licensee shall be within his lawful rights to disconnect supply to the premises without any prior notice and proceed to adjust electricity supply dues payable by the applicant against consumer security deposit and /or recover the same in accordance with Law.

THAT the Applicant has complied with all requirements under all statute for the time being in force and the Applicant himself/herself shall be held legally responsible for any issue arising out of any such noncompliance for which the licensee may initiate action in accordance with applicable law.

THAT I, the Applicant hereby agree and undertake:

1. That no objection certificate for seeking electricity connection from the co-owner has been obtained (in case the applicant is not the sole owner of the premises).
2. To indemnify the licensee against all proceedings, claims, demands, costs, damages, expenses that the licensee may incur by reason of a fresh service connection given to the Applicant.
3. That to the best of applicant's knowledge, all electrical works done within the premises are as per Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010 as amended from time to time.
4. That the internal Wiring at the premises has been tested by a Licensed Electrical Contractor/designated officer of the Government# and the test certificate is available with the applicant:

#in case of Government quarters/offices,

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.
6. *That there is a provision of lift in premises and the applicant has obtained the lift fitness certificate from the Electrical Inspector for the lift in the said premises and the same is available with the applicant.

* Strike out which is not applicable

7. That the applicant has applied for the correct category of tariff as per the applicable tariff schedule. For either of the following categories of connection, the applicant has the relevant documents available with him.

**Applicable for selected consumer category*

A. Industrial (Tick whichever is available)

- a. (i) Valid Industrial License; or
 (ii) Factory License; or
 (iii) Household License; or
 (iv) Lal Dora Certificate in case of rural village; or
 (v) Any other document authorizing the applicant to run the industry OR
- b. (i) Occupancy-cum-completion certificate from concerned Municipal Corporation or DDA; or
 (ii) Consent to Establish from Delhi Pollution Control Committee (DPCC); or
 (iii) Provisional Industrial License; or
 (iv) Sanctioned building plan from concerned Municipal Corporation or DDA

B. Agricultural Consumers

- i. Certificate of Residence from Block Development Officer; or

C. Non-domestic for Khokhas and Temporary Structure

- i. the Bazaar Receipt Number; or
- ii. No Objection Certificate for Khokha/Temporary Structure from concerned Municipal Corporation of Delhi or Delhi Development Authority or any other concerned Land Owning Agency

Please provide following information in respect of certificate available with the applicant

(Certificate No., issuing authority, date of issue, Purpose, validity, if applicable)

D. Charging station for electric vehicles

An undertaking by the applicant that the charging station for electric vehicles is as per the specifications as may be specified by Central Electricity Authority or Bureau of Indian Standards from time to time.

8. *That the industrial connection is taken based on the documents mentioned in clause 7A(b) above and I shall obtain the valid document as mentioned in clause 7A(a) above within a period of 3 months from issue of electricity connection.

**Strike out if not applicable*

9. That above referred applicable documents/certificates indicated at various points are available with me and can be inspected by the Licensee at any time. In case of failure reluctance to produce/allow the inspection of said documents/certificates the licensee may disconnect the connection granted owing to such failure/, reluctance

10. That I shall provide a legible and certified copy of any of above applicable documents to the licensee pursuant to order/request of any government agency, judicial forum or any other authority seeking such information.
11. That my industry/trade has not been declared to be releasing obnoxious hazardous/pollutant by any government agency and that no orders of any Court or judicial authority would be breached by running of my industry/trade or granting any electricity connection to the same. The licensee is indemnified against any loss accrued by the applicant on this account that on an Order issued by a Court of law or judicial authority or any government agency for disconnection of electricity, the licensee may disconnect the supply.
12. That I shall indemnify and hold harmless, the licensee, in case of any injury or incident on account of any fault in electrical work in the premises and the licensee shall not be liable for any mishap or incident occurring at the premises to the applicant on account of any faulty/defective/inferior quality wiring at the premises for which the connection is being applied.
13. To pay the electricity consumption bills and all other charges at the rates set out in the licensee's Tariff Schedule and miscellaneous charges for supply as may be in force from time to time, regularly as and when the same becomes due for payment.
14. To deposit the additional security deposit and additional service line cum development (SLD) charges, if any from time to time based on the prevailing Orders/rules, directions and Regulations of the Commission.
15. To abide by the provisions of the Electricity Act, 2003, all applicable laws, conditions of Supply/Tariff Orders and any other Rules or Regulations as may be notified by the Commission, as applicable from time to time.
16. That licensee shall be at liberty to adjust the electricity consumption charges due/outstanding along with any other charges against the Consumer Security Deposit paid by the Applicant, in the event of termination of the agreement prior to expiry of the contracted period or in case of any contractual default as per provisions of regulations/rules/orders/directions of the Commission.
17. That as per Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 or as amended from time to time, I shall provide suitable and adequate space for installation of the meter/electrical equipments where the licensee may have ready access to the same.
18. To allow clear and un-encumbered access to the meters for the purpose of meter reading and it's checking etc.
19. That the licensee may disconnect the electric supply under reference, in the event of any default, non-compliance of statutory provisions and in the event of a legally binding directive by Statutory Authority (ies) to effect such an order. This shall be without prejudice to any other rights of the licensee including that of getting its payment as on the date of disconnection.

20. All the above declaration given by the Applicant shall be construed to an Agreement between the licensee and the Applicant.

Signature of the Applicant
Name of the applicant
SIGNED AND DELIVERED
In presence of witness

Name of Witness

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THE DELHI MUNICIPAL CORPORATION ACT, 1957

ACT NO. 66 OF 1957

[28th December, 1957.]

An Act to consolidate and amend the law relating to the Municipal Government of Delhi.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Delhi Municipal Corporation Act, 1957.

(2) Except as otherwise provided in this Act, it extends only to Delhi.

(3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date¹ as the ²[³Central Government]] may, by notification in the Official Gazette, appoints:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—In this Act, unless the context otherwise requires,—

⁴[(1) “Administrator” means the Lieutenant Governor of the National Capital Territory of Delhi;]

⁵[(1A) “annual value” means the annual value of any vacant land or covered space of any building determined under section 116E;]

⁶[⁷[(1B)] “Appellate Tribunal” means an Appellate Tribunal constituted under section 347A;]]

(2) “budget-grant” means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by ⁸[⁹the Corporation]] and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder;

(3) “building” means a house, out-house, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;

(4) “bye-law” means a bye-law made under this Act, by notification in the Official Gazette;

(5) “casual vacancy” means a vacancy occurring otherwise than by efflux of time in the office of a councillor an alderman or in any other elective office;

1. 2nd January, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 31st December, 1957, in respect of S. 2, Chap. II, ss. 54, 55, 56, 57, 58, 59, 89 and 97, Chap. XXIII, ss. 485, 487, 488, 491, 500, 509, 513 and 515, *see* Gazette of India, Extraordinary, Part IV.

15th February, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 11th February, 1958, in respect of S. 510, *see* Gazette of India, Extraordinary, Part IV.

7th April, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 5th April, 1958, in respect of All the provisions of the Act (other than those which have already been brought into force), *see* Gazette of India, Extraordinary, Part IV.

2. Subs. by Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

3. Subs. by Act 10 of 2022, s. 2, for “Government” (w.e.f. 22-5-2022).

4. Subs. by Act 67 of 1993, s. 2, for clause (1) (w.e.f. 1-10-1993).

5. Ins. Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

6. Ins. by Act 42 of 1984, s. 2 (w.e.f. 10-12-1985).

7. Clause (1A) re-numbered as clause (1B) by Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

8. Subs. by Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

9. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

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(b) any electric wire for lighting such lamp;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks, or causes any damage to, any of the things described in sub-section (1), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of repairing the damage so done by him.

CHAPTER XVI

BUILDING REGULATIONS

¹[330A. **General superintendence, etc., of the** ²³[Central Government]].—Notwithstanding anything contained in any other provision of this Act, the Commissioner shall exercise his powers and discharge his functions under this Chapter, under the general superintendence, direction and control of the ⁴[⁵[Central Government]].]

331. Definition.—In this Chapter, unless the context otherwise requires, the expression “to erect a building” means—

(a) to erect a new building on any site whether previously built upon or not;

(b) to re-erect.—

(i) any building of which more than one-half of the cubical contents above the level of the plinth have been pulled down, burnt or destroyed, or

(ii) any building of which more than one-half of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame building of which more than half of the number of the posts or beams in the external walls have been pulled down;

(c) to convert into a dwelling house any building or any part of a building not originally constructed for human habitation or, if originally so constructed, subsequently appropriated for any other purpose;

(d) to convert into more than one dwelling house a building originally constructed as one dwelling house only;

(e) to convert into a place of religious worship or into a sacred building any place or building not originally constructed for such purpose;

(f) to roof or cover an open space between walls or buildings to the extent of the structure which is formed by the roofing or covering of such space;

(g) to convert two or more tenements in a building into a greater or lesser number;

(h) to convert into a stall, shop, warehouse or godown, stable, factory or garage any building not originally constructed for use as such or which was not so used before the change;

(i) to convert a building which when originally constructed was legally exempt from the operations of any building regulations contained in this Act or in any bye-laws made thereunder or in any other law, into a building which had it been originally erected in its converted form, would have been subject to such building regulations;

1. Ins. by Act 67 of 1993, s. 98 (w.e.f 1-10-1993).

2. Subs. by Delhi Act 12 of 2011, s. 2 “the Corporation” (w.e.f. 13-1-2012).

3. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

4. Subs. by Delhi Act 12 of 2011, s. 2 “ Central Government” (w.e.f. 13-1-2012).

5. Subs. by Act 10 of 2022, s. 2, for “Government” (w.e.f. 22-5-2022).

(j) to convert into or use as dwelling house any building which has been discontinued as or appropriated for any purpose other than a dwelling house.

332. Prohibition of building without sanction.—No person shall erect or commence to erect any building, or execute any of the works specified in section 334 except with the previous sanction of the Commissioner, not otherwise than in accordance with the provisions of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works.

333. Erection of building.—(1) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

334. Applications for additions to, or repairs of, buildings.—(1) Every person who intends to execute any of the following works, that is to say—

(a) to make any addition to a building;

(b) to make any alteration or repairs to a building involving the removal or re-erection of any external or partly wall thereof or of any wall which supports the roof thereof to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet;

(c) to make any alteration or repairs to a frame building involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid; or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial feet;

(d) to make any alteration in a building involving—

(i) the sub-division of any room in such building so as to convert the same into two or more separate rooms, or

(ii) the conversion of any passage or space in such building into a room or rooms;

(e) to repair, remove, construct, reconstruct or make any addition to or structural alteration in any portion of a building abutting on a street which stands within the regular line of such street;

(f) to close permanently any door or window in an external wall;

(g) to remove or reconstruct the principal staircase or to alter its position;

shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

335. Conditions of valid notice.—(1) A person giving the notice required by section 333 shall specify the purpose for which it is intended to use the building to which such notice relates; and a person giving the notice required by section 334 shall specify whether the purpose for which the building is being used is proposed or likely to be changed by the execution of the proposed work.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required by bye-laws made in this behalf have been furnished to the satisfaction of the Commissioner along with the notice.

336. Sanction or refusal of building or work.—(1) The Commissioner shall sanction the erection of a building or the execution of a work unless such building or work would contravene any of the provisions of sub-section (2) of this section or the provisions of section 340.

(2) The grounds on which the sanction of a building or work may be refused shall be the following, namely:—

(a) that the building or work or the use of the site for the building or work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of any bye-law made in this behalf or of any other law or rule, bye-law or order made under such other law;

(b) that the notice for sanction does not contain the particulars or is not prepared in the manner required under the bye-laws made in this behalf;

(c) that any information or documents required by the Commissioner under this Act or any bye-laws made thereunder has or have not been duly furnished;

(d) that in cases falling under section 312, lay-out plans have not been sanctioned in accordance with section 313;

(e) that the building or work would be an encroachment on Government land or land vested in the Corporation;

(f) that the site of the building or work does not abut on a street or projected street and that there is no access to such building or work from any such street by a passage or path-way appertaining to such site.

(3) The Commissioner shall communicate the sanction to the person who has given the notice; and where he refuses sanction on any of the grounds specified in sub-section (2) or under section 340 he shall record a brief statement of his reasons for such refusal and communicate the refusal along with the reasons therefor to the person who has given the notice.

(4) The sanction or refusal as aforesaid shall be communicated in such manner as may be specified in the bye-laws made in this behalf.

337. When building or work may be proceeded with.—(1) Where within a period of sixty days, or in cases falling under clause (b) of section 331 within a period of thirty days, after the receipt of any notice under section 333 or section 334 or of the further information, if any, required under section 335 the Commissioner does not refuse to sanction the building or work or upon refusal, does not communicate the refusal to the person who has given the notice, the Commissioner shall be deemed to have accorded sanction to the building or work and the person by whom the notice has been given shall be free to commence and proceed with the building or work in accordance with his intention as expressed in the notice and the documents and plans accompanying the same:

Provided that if it appears to the Commissioner that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Commissioner may withhold sanction of the building or work for such period not exceeding three months as he deems fit and the period of sixty days or as the case may be, the period of thirty days specified in this sub-section shall be deemed to commence from the date of the expiry of the period for which the sanction has been withheld.

(2) Where a building or work is sanctioned or is deemed to have been sanctioned by the Commissioner under sub-section (1), the person who has given the notice shall be bound to erect the building or execute the work in accordance with such sanction but not so as to contravene any of the provisions of this Act or any other law or of any bye-law made thereunder.

(3) If the person or anyone lawfully claiming under him does not commence the erection of the building or the execution of the work within one year of the date on which the building or work is sanctioned or is deemed to have been sanctioned, he shall have to give notice under section 333 or, as the case may be, under section 334 for fresh sanction of the building or the work and the provisions of this section shall apply in relation to such notice as they apply in relation to the original notice.

(4) Before commencing the erection of a building or execution of a work within the period specified in sub-section (3), the person concerned shall give notice to the Commissioner of the proposed date of the commencement of the erection of the building or the execution of the work:

Provided that if the commencement does not take place within seven days of the date so notified, the notice shall be deemed not to have been given and a fresh notice shall be necessary in this behalf.

338. Sanction accorded under misrepresentation.—If at any time after the sanction of any building or work has been accorded, the Commissioner is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information further under sections 333, 334 and 335, he may by order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected or done shall be deemed to have been commenced, erected or done without such sanction:

Provided that before making any such order the Commissioner shall give reasonable opportunity to the person affected as to why such order should not be made.

339. Buildings at corners of streets.—The Commissioner may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to such height and to such extent as he may determine, and may acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity.

340. Provisions as to buildings and works on either side of new streets.—(1) The erection of any building on either side of a new street may be refused by the Commissioner unless and until such new street has been levelled, and wherever in the opinion of the Commissioner practicable, metalled or paved, drained, lighted and laid with a water main to his satisfaction.

(2) The erection of any such building or the execution of any such work may be refused by the Commissioner if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which has been laid down by the Commissioner but which has not been actually constructed or if such building or any portion thereof or such work is in contravention of any building or any other scheme or plan prepared under this Act or any other law for the time being in force.

341. Period for completion of building or work.—The Commissioner, when sanctioning the erection of a building or execution of a work, shall specify a reasonable period after the commencement of the building or work within which the building or work is to be completed and if the building or work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Commissioner on application made therefor has allowed an extension of that period.

342. Prohibition against use of inflammable materials for building, etc., without permission.—In such areas as may be specified by bye-laws made in this behalf, no roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed or cloth, grass leaves, mats or other inflammable materials except with the written permission of the Commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or reconstructed in any year be retained in a subsequent year except with fresh permission obtained in this behalf.

[343. Order of demolition and stoppage of buildings and works in certain cases and appeal.—(1) Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced or is being carried on or has been completed, within such period, (not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person), as may be, specified in the order of demolition:

Provided that no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the Commissioner may think fit, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that where the erection or work has not been completed, the Commissioner may by the same order or by a separate order, whether made at the time of the issue of the notice under the first

1. Subs. by Act 42 of 1961, s. 16, for section 343 (w.e.f. 12-9-1961).

proviso or at any other time, direct the person to stop the erection or work until the expiry of the period within which any appeal against the order of demolition, if made, may be preferred under sub-section (2).

(2) Any person aggrieved by an order of the Commissioner made under sub-section (1) may prefer an appeal against the order to ¹[the Appellate Tribunal] within the period specified in the order for the demolition of the erection or work to which it relates.

(3) Where an appeal is preferred under sub-section (2) against an order of demolition, ²[the Appellate Tribunal may, subject to the provisions of sub-section (3) of section 347C,] stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by ³[the Appellate Tribunal, unless security, sufficient in the opinion of the said Tribunal], has been given by the appellant for not proceeding, with such erection or work pending the disposal of the appeal.

(4) ⁴[No court] shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(5) ⁵[Subject to an order made by the Administrator on appeal under section 347D, every order made by the Appellate Tribunal on appeal under this section, and subject to the orders of the Administrator and the Appellate Tribunal on appeal] the order of demolition made by the Commissioner shall be final and conclusive.

(6) Where no appeal has been preferred against an order of demolition made by the Commissioner under sub-section (1) or where an order of demolition made by the Commissioner under that sub-section ⁶[has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal in a case where no appeal has been preferred against the order of the Appellate Tribunal, and by the Administrator in a case where an appeal has been preferred against the order of the Appellate Tribunal] the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by ⁷[the Appellate Tribunal or the Administrator] on appeal and on the failure of the person to comply with the order within such period, the Commissioner may himself cause the erection or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act].

344. Order of stoppage of buildings or works in certain cases.—(1) Where the erection of any building or execution of any work has been commenced or is being carried on (but has not been completed) without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or bye-laws made thereunder, the Commissioner may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(2) ⁸[If an order made by the Commissioner under section 343 or under sub-section (1) of this section directing any person to stop the erection of any building or execution of any work is not complied with,] the Commissioner may require any police officer to remove such person and all his assistants and workmen from the premises ⁹[or to seize any construction material, tool, machinery, scaffolding or other things used

1. Subs. by Act 42 of 1984, s. 3, for "the court of the district judge of Delhi" (w.e.f. 10-2-1986).

2. Subs. by s. 3, *ibid.*, for "the court of the district judge may" (w.e.f. 10-2-1986).

3. Subs. by Act 42 of 1984, s. 3, for "the court of the district judge unless security, sufficient in the opinion of the court" (w.e.f. 10-2-1986).

4. Subs. by s. 3, *ibid.*, for "Save as provided in this section, no court" (w.e.f. 10-2-1986).

5. Subs. by s. 3, *ibid.*, for certain words (w.e.f. 10-2-1986).

6. Subs. by s. 3, *ibid.*, for "has been confirmed on appeal, whether with or without variation" (w.e.f. 10-2-1986).

7. Subs. by s. 3, *ibid.*, for "the court of the district judge" (w.e.f. 10-2-1986).

8. Subs. by Act 42 of 1961, s. 17, for "If such order is not complied with forthwith" (w.e.f. 12-9-1961).

9. Ins. by Act 42 of 1984, s. 4 (w.e.f. 10-2-1986).

in the erection of any building or execution of any work] within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

⁷[(2A) Any of the things caused to be seized by the Commissioner under subsection (2) shall be disposed of by him in the manner specified in section 326.]

(3) After the requisition under sub-section (2) has been complied with, the Commissioner may, if he thinks fit, depute by a written order a police officer or a municipal officer or other municipal employee to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

(4) Where a police officer or a municipal officer or other municipal employee has been deputed under sub-section (3) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

345. Power of Commissioner to require alteration of work.—(1) The Commissioner may at any time during the erection of any building or execution of any work or at any time ¹[after the completion thereof, by a written notice of not less than seven days], specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 336 or is in contravention of any condition of such sanction or any of the provisions of this Act or any bye-laws made thereunder and require the person who give the notice under section 333 or section 334 or the owner of such building or work either—

(a) to make such alterations as may be specified in the said notice with the object of bringing the building or work in conformity with the said sanction, condition or provisions, or

(b) to show cause why such alterations should not be made, within a period stated in the notice.

(2) If the person or the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in the notice.

(3) If the person or the owner shows cause as aforesaid, the Commissioner shall by an order either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.

²**345A. Power to seal unauthorised constructions.**—(1) It shall be lawful for the Commissioner, at any time, before or after making an order of demolition under section 343 or of the stoppage of the erection of any building or execution of any work under section 343 or under section 344, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed in the manner prescribed by rules, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such erection or work.

(2) Where any erection or work or any premises in which any erection or work is being carried on, has or have been sealed, the Commissioner may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(3) No person shall remove such seal except—

(a) under an order made by the Commissioner under sub-section (2); or

(b) under an order of an Appellate Tribunal or the Administrator, made in an appeal under this Act.]

346. Completion certificates.—(1) Every person who employs a licensed architect or engineer or a person approved by the Commissioner to design or erect a building or execute any work shall, within one month after the completion of the erection of the building or execution of the work, deliver or send or cause to be delivered or sent to the Commissioner a notice in writing of such completion accompanied by a certificate in the form prescribed by bye-laws made in this behalf and shall give to the Commissioner all necessary facilities for the inspection of such building or work.

1. Subs. by Act 42 of 1984, s. 5, for "within three months after the completion thereof, by a written notice" (w.e.f. 10-12-1985).

2. Ins. by s. 6, *ibid.* (w.e.f. 10-2-1986).

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof effected by any such work until permission has been granted by the Commissioner in this behalf in accordance with bye-laws made under this Act:

Provided that if the Commissioner fails within a period of thirty days after the receipt of the notice of completion to communicate his refusal to grant such permission, such permission shall be deemed to have been granted.

347. Restrictions on user of buildings.—No person shall, without the written permission of the Commissioner, or otherwise than in conformity with the conditions, if any, of such permission—

(a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and of the bye-laws made thereunder;

(b) change or allow the change of the use of any land or building;

(c) convert or allow the conversion of one kind of tenement into another kind.

[347A. Appellate Tribunal.—(1) The ²[Government] shall, by notification in the Official Gazette, constitute one or more Appellate Tribunals with headquarters at Delhi, for deciding appeals preferred under section 343 or section 347B.

(2) An Appellate Tribunal shall consist of one person to be appointed by the ²[Central ³[Government]] on such terms and conditions of service as may be prescribed by rules.

(3) A person shall not be qualified for appointment as the presiding officer of an Appellate Tribunal unless he is, or has been, a district judge or an additional district judge or has, for at least ten years, held a judicial office in India.

(4) The ²[Government] may, if it so thinks fit, appoint one or more persons having special knowledge of, or experience in, the matters involved in such appeals, to act as assessors to advise the Appellate Tribunal in the proceedings before it, but no advice of the assessors shall be binding on the Appellate Tribunal.

(5) The ²[Government] shall, by notification in the Official Gazette, define the territorial limits within which an Appellate Tribunal shall exercise its jurisdiction, and where different Appellate Tribunals have jurisdiction over the same territorial limits, the ²[Government] shall also provide for the distribution and allocation of work to be performed by such Tribunals.

(6) For the purpose of enabling it to discharge its functions under this Act, every Appellate Tribunal shall have a Registrar and such other staff on such terms and conditions of service as may be prescribed by rules:

Provided that the Registrar and staff may be employed jointly for all or any number of such Tribunals in accordance with the rules.

347B. Appeals against certain orders or notices issued under the Act.—(1) Any person aggrieved by any of the following orders made or notices issued under this Act, may prefer an appeal against such order or notice to the Appellate Tribunal, namely:—

(a) an order according or disallowing sanction to a lay-out plan under section 313;

(b) an order directing the alteration or demolition of any street under section 314;

(c) a notice under sub-section (1) of section 315;

(d) a notice under sub-section (2) of section 317;

1. Ins. by Act 42 of 1984, s. 7 (w.e.f. 10-2-1986).

2. Subs. by Delhi Act 12 of 2011, s. 2, for "Central Government" (w.e.f. 13-1-2012)

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THE DELHI DEVELOPMENT ACT, 1957

ACT NO. 61 OF 1957

[27th December, 1957.]

An Act to provide for the development of Delhi according to plan and for matters ancillary thereto.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Delhi Development Act, 1957.

(2) It extends to the whole of the ¹[National Capital Territory of Delhi].

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “amenity” includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the Central Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(b) “building” includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(c) “building operations” includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings;

(d) “development” with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes redevelopment;

(e) “development area” means any area declared to be a development area under sub-section (1) of section 12;

(f) “engineering operations” includes the formation or laying out of means of access to a road or the laying out of means of water supply;

(g) “means of access” includes any means of access whether private or public, for vehicles or for foot passengers, and includes a road;

(h) “regulation” means a regulation made under this Act by the Delhi Development Authority constituted under section 3;

(i) “rule” means a rule made under this Act by the Central Government;

(j) “to erect” in relation to any building includes—

(i) any material alteration or enlargement of any building,

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation,

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place,

1. Subs. by Act 36 of 1996, s. 2, for “Union territory of Delhi” (w.e.f. 21-12-1996).

2. 30th December, 1957, vide notification No. S. R. O. 120, dated 30th December, 1957, see Gazette of India, Extraordinary, Part. II, sec. 3.

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CHAPTER III
MASTER PLAN AND ZONAL DEVELOPMENT PLANS

7. Civic survey of, and master plan for, Delhi.—(1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for, Delhi.

(2) The master plan shall—

(a) define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

¹[(3) The master plan may provide for any other matter which is necessary for the proper development of Delhi.]

8. Zonal development plans.—(1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which Delhi may be divided.

(2) A zonal development plan may—

(a) contain a site-plan and use-plan for the development of the zone and show the approximate locations and extents of land-uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;

(b) specify the standards of population density and building density;

(c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or redevelopment; and

(d) in particular, contain provisions regarding all or any of the following matters, namely:—

(i) the division of any site into plots for the erection of buildings;

(ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;

(iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;

(v) the alignment of buildings on any site;

(vi) the architectural features of the elevation or front age of any building to be erected on any site;

(vii) the number of residential buildings which may be erected on any plot or site;

(viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;

(ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;

¹ Ins. by Act 56 of 1963, s. 6 (w.e.f. 30-12-1963).

(x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;

(xi) the restrictions regarding the use of any site for purposes other than erection of buildings; and

(xii) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

9. Submission of plans to the Central Government for approval.—(1) In this section and in sections 10, 11, 12 and 14 the word “plan” means the master plan as well as the zonal development plan for a zone.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Central Government for approval and that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

10. Procedure to be followed in the preparation and approval of plans.—(1) Before preparing any plan finally and submitting it to the Central Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Authority shall also give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Central Government for its approval.

(4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.

(5) Subject to the foregoing provisions of this section the Central Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section.

11. Date of operation of plan.—Immediately after a plan has been approved by the Central Government, the Authority shall publish in such manner as may be prescribed by regulations a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice the plan shall come into operation.

¹[CHAPTER IIIA

MODIFICATIONS TO THE MASTER PLAN AND THE ZONAL DEVELOPMENT PLAN

11A. Modifications to plan.—(1) The Authority may make any modifications to the master plan or the zonal development plan as it thinks fit, being modifications which, in its opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land-uses or the standards of population density.

(2) The Central Government may make any modifications to the master plan or the zonal development plan whether such modifications are of the nature specified in sub-section (1) or otherwise.

(3) Before making any modifications to the plan, the Authority or, as the case may be, the Central Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the Central Government.

¹ Ins. by Act 56 of 1963, s. 7 (w.e.f. 30-12-1963).

(4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the Central Government, as the case may be, may specify and the modifications shall come into operation either on the date of the publication or on such other date as the Authority or the Central Government may fix.

(5) When the Authority makes any modifications to the plan under sub-section (1), it shall report to the Central Government the full particulars of such modifications within thirty days of the date on which such modifications come into operation.

(6) If any question arises whether the modifications proposed to be made by the Authority are modifications which effect important alterations in the character of the plan or whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the Central Government whose decision thereon shall be final.

(7) Any reference in any other Chapter, except Chapter III, to the master plan or the zonal development plan shall be construed as a reference to the master plan or the zonal development plan as modified under the provisions of this section.]

CHAPTER IV DEVELOPMENT OF LANDS

12. Declaration of development areas and development of land in those and other areas.—¹[(1) As soon as may be after the commencement of this Act, the Central Government may, by notification in the Official Gazette, declare any area in Delhi to be a development area for the purposes of this Act:

Provided that no such declaration shall be made unless a proposal for such declaration has been referred by the Central Government to the Authority and the Municipal Corporation of Delhi for expressing their views thereon within thirty days from the date of the receipt of the reference or within such further period as the Central Government may allow and the period so specified or allowed has expired.]

(2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(3) After the commencement of this Act no development of land shall be undertaken or carried out in any area by any person or body (including a department of Government) unless,—

(i) where that area is a development area, permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act;

(ii) where that area is an area other than a development area, approval of, or sanction for, such development has been obtained in writing from the local authority concerned or any officer or authority thereof empowered or authorised in this behalf, in accordance with the provisions made by or under the law governing such authority or until such provisions have been made, in accordance with the provisions of the regulations relating to the grant of permission for development made under the Delhi (Control of Building Operations) Act, 1955 (53 of 1955), and in force immediately before the commencement of this Act:

Provided that the local authority concerned may ²[subject to the provisions of section 53A] amend those regulations in their application to such area.

(4) After the coming into operation of any of the plans in any area no development shall be undertaken or carried out in that area unless such development is also in accordance with such plans.

(5) Notwithstanding anything contained in sub-sections (3) and (4) development of any land begun by any department of Government or any local authority before the commencement of this Act may be completed by that department or local authority without compliance with the requirements of those sub-sections.

1. Subs. by Act 56 of 1963, s. 8, for sub-section (1) (w.e.f. 30-12-1963).

2. Ins. by s. 8, *ibid.* (w.e.f. 30-12-1963).

13. Application for permission.—(1) Every person or body (including a department of Government) desiring to obtain the permission referred to in section 12 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates as may be prescribed by regulations.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by rules:

Provided that no such fee shall be necessary in the case of an application made by a department of the Government.

(3) On the receipt of an application for permission under sub-section (1), the Authority after making such inquiry as it considers necessary in relation to any matter specified in clause (d) of sub-section (2) of section 8 or in relation to any other matter, shall, by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(4) Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant in the manner prescribed by regulations.

(5) The Authority shall keep in such form as may be prescribed by regulations a register of applications for permission under this section.

(6) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed by regulations and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.

(7) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (4) direct refund of such portion of the fee as to it may seem proper in the circumstances of the case.

14. User of land and buildings in contravention of plans.—After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan:

Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force.

CHAPTER V

ACQUISITION AND DISPOSAL OF LAND

15. Compulsory acquisition of land.—(1) If in the opinion of the Central Government, any land is required for the purpose of development, or for any other purpose, under this Act, the Central Government may acquire such land under the provisions of the Land Acquisition Act, 1894 (1 of 1894).

(2) Where any land has been acquired by the Central Government, that Government may, after it has taken possession of the land, transfer the land to the Authority or any local authority for the purpose for which the land has been acquired on payment by the Authority or the local authority of the compensation awarded under that Act and of the charges incurred by the Government in connection with the acquisition.]

16. [Compensation for compulsory acquisition of land.] Omitted by the Delhi Development (Amendment) Act, 1960 (56 of 1963), s. 10 (w.e.f. 30-12-1963).

1. Subs. by Act 56 of 1963, s. 9, for section 15 (w.e.f. 30-12-1963).

ANNEXURE R/7

**OFFICE OF THE COMMISSIONER OF INDUSTRIES
GOVT. OF NCT OF DELHI : UDYOG SADAN
419, FIE, PATPARGANJ INDUSTRIAL AREA, DELHI-110092**

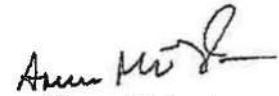
F.No 24/DCI/CI (CC)/2018/1958-1972

Dated:- 17-09-2018

Subject: Minutes of the meeting of the 'Monitoring Committee' held on 13.09.2018 at 6:00 pm in the conference room of the Chief Secretary, Govt. of NCT of Delhi to discuss implementation of order dated 24.08.2018 of Hon'ble Supreme Court of India.

Kindly find enclosed herewith minutes of the meeting of the 'Monitoring Committee' held on 13.09.2018 at 6:00 pm in the conference room of the Chief Secretary, Govt. of NCT of Delhi to discuss implementation of order dated 24.08.2018 of Hon'ble Supreme Court of India for your kind information and compliance.

It is requested to kindly send the action taken report within the stipulated time so as to prepare consolidated report of the Monitoring Committee for filing before the Hon'ble Supreme Court.


(Arun Mishra)

Spl. Commissioner of Industries

Encl.: Minutes of the meeting

To (Members of the Monitoring Committee)

1. The Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.
2. The Commissioner of Police, MSO Building, ITO New Delhi.
3. Commissioner, East Delhi Municipal Corporation, 419, FIE, Patparganj Industrial Area, Delhi-110092
4. Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi
5. Commissioner, South Delhi Municipal Corporation, 9th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi

Copy forwarded to the following with the request to attend the aforesaid meeting:-

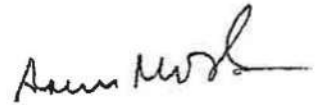
1. Pr. Secretary (UD), GNCTD, Department of Urban Development, 9th Level, C Wing, Delhi Secretariat, New Delhi-110002



2. Pr. Secretary (Revenue) -cum-Divisional Commissioner, Deptt. of Revenue, Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi-110054
3. Secretary (Environment)-cum-chairman-DPCC, Govt. of NCT of Delhi, 6th Level, 'c' Wing, Delhi Secretariat, I.P.Estate, Delhi-110002
4. Secretary (Power), Govt. of NCT of Delhi, 8th Level, B-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
5. CEO, Delhi Jal Board, Varunalaya, Phase II Karol Bagh New Delhi
6. Chief Executive Officer, BRPL, BSES Bhawan, Nehru Place, New Delhi
7. Chief Executive Officer, BYPL, Shakti Kiran Building, New Delhi
8. Chief Executive Officer, TPDDL, Hudson Lane, Kingsway Camp, Delhi

Copy for information to:-

- a. SO to Chief Secretary, Delhi, Delhi Secretariat, New Delhi.
- b. PS to Pr. Secretary, Industries, Govt. of NCT of Delhi



(Arun Mishra)

Spl. Commissioner of Industries

Minutes of the meeting of the 'Monitoring Committee' held on 13.09.2018 at 6:00 pm in the conference room of the Chief Secretary, Govt. of NCT of Delhi to discuss implementation of order dated 24.08.2018 of Hon'ble Supreme Court of India.

1. A meeting of the Monitoring Committee, constituted vide judgment dated 07th May, 2004 in Writ Petition (Civil) No 4677 of 1985 titled M. C. Mehta Vs Union of India & Ors, was held on 13.09.2018 at 6:00 pm in the Conference Room of Chief Secretary, Govt. of NCT of Delhi at 5th Level, Delhi Secretariat, I.P Estate, New Delhi to discuss implementation of order dated 24.08.2018 of Hon'ble Supreme Court related to closure /relocation of impermissible industrial units functioning in residential and non-conforming areas of Delhi.
 2. List of Members of the Monitoring Committee and other officers of various departments and agencies who attended the meeting is placed at Annexure I.
 3. At the outset, Pr. Secretary-cum-Commissioner (Industries) informed that in compliance of the order dated 07th May, 2004, a Monitoring Committee comprising of (i) Chief Secretary of Delhi (ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and, (iv) Vice Chairman, DDA was constituted vide order dated 25.05.2004 with the terms of reference as under :
 - (i) The Committee would be responsible for stoppage of illegal industrial activities in residential and non-conforming areas of Delhi
 - (ii) The members of the monitoring committee can appoint officers subordinate to them to oversee and ensure compliance of the directions contained in the judgment dated 7th May 2004 of the Hon'ble Supreme Court.
- He further informed that status report relating to closure/ relocation of industries are being filed before the Hon'ble Supreme Court by the Commissioner of Industries as authorized by the Monitoring Committee in its 3rd meeting held on 27.08.2004. 47 Progress Reports have been filed till date. The last report i.e 47th Report was filed on 29.06.2018 by the Pr. Secretary-cum-Commissioner (Industries) on behalf of the Monitoring Committee.
4. Pr. Secretary-cum-Commissioner (Industries) also informed that Hon'ble Supreme Court of India, vide its order dated 24.08.2018, has directed the Monitoring Committee to comply with its earlier order dated 07.05.2004 regarding stoppage of illegal industrial activities in

residential/non-conforming areas of Delhi. The operative portion of the order dated 24.08.2018 of the Hon'ble Supreme Court is given below:-

"Report Nos. 43-47 of the Monitoring Committee for relocation of Industries in Delhi.

"The reports including the aforesaid reports have been filed from time to time by the Monitoring Committee. It appears that relocation is not implemented in letter and spirit.

We would like the Monitoring Committee to file a consolidated report under its own signature and not under the signature of any officer subordinate to the Monitoring Committee.

The consolidated status report will be signed by each member of the Monitoring Committee and should be filed within three weeks from today.

List the matter on 05.10.2018".

5. The Committee noted that the aforementioned order was received on 07.09.2018 in the Industries Department. Since it will take some time to consult various departments/agencies to finalize the consolidated status report, it would not be possible to submit the report signed by the each member of the Monitoring Committee within three weeks from the date of issue of order which is expiring on 14.09.2018. Hence, it was decided by the Monitoring Committee that an application for extension of time upto 29th September, 2018 for filing the said report should be moved before the Hon'ble Supreme Court at the earliest.
6. Pr. Secretary-cum-Commissioner(Industries) informed that a scheme of relocation of Industries from non-conforming/residential areas to approved industrial estates was launched in the year 1996 and applications were invited from the industrial units. The land was acquired in Bawana Ph-I, Bhorgarh for developing industrial estates specifically for relocating the industrial units from non-conforming areas. Flatted factory complex at Jhilmil was also developed for relocating the units. In addition, the vacant plots available in the existing developed industrial estates of Patparganj, Badli, Narela and Jhilmil were also

offered for relocating the units under the Scheme. The current status of disposal of the applications so received was given as follows:-

S.No	Item	Total
1	Total no. of applications received under the Relocation Scheme of Industries, 1996	51837
2	Total number of units declared eligible for allotment of industrial plots/flats	27985
3	Number of allotments surrendered/cancelled due to non payment	6025
4	Total no. of effective allotment to industrial units	21960
5	Remaining number of units on wait list for allotment under the Relocation Scheme	Nil

7. The members of the Monitoring Committee and other participants were apprised that 'revised guidelines' were issued on 10.01.2011 for effective implementation of order dated 07.05.2004 of Hon'ble Supreme Court of India passed in the matter of closure/relocation of unauthorized industrial units operating in residential/non-conforming areas of Delhi as per details given below:-

- a) "Closure/Sealing of impermissible industries will henceforth be carried out by the Municipal Corporation of Delhi and the Delhi Development Authority in respect of their areas of jurisdiction under the relevant provisions of the Delhi Development Act, 1957 and the Delhi Municipal Corporation Act, 1957.
- b) Closure/Sealing of polluting industries will henceforth be carried out by the Delhi Pollution Control Committee under the Environment Laws.
- c) All cases already recommended for closure/sealing by the Nodal Cell where no action has been initiated shall be transferred to the concerned agency i.e Municipal Corporation of Delhi or Delhi Development Authority or Delhi Pollution Control Committee, as the case may be, by the office of the Divisional Commissioner (Revenue).
- d) Based on the inputs from the aforementioned agencies, the Industries Department shall file periodic reports before the Hon'ble Supreme Court."

Accordingly, it was reiterated and decided in the meeting that the DDA would identify and close down such impermissible industries in development areas notified under Delhi Development Act, 1957 and respective Municipal Corporation would take action in the rest of the areas including rural areas. If required, the Municipal Corporations may obtain assistance from the concerned revenue authority as SDM/Dy. Commissioner for proper identification of the Khasra No. and owner of the said land.

8. Secretary (Power) and representatives of DISCOMS informed that they are unable to trace the premises in some cases where electricity supply is to be disconnected for want of complete address. After detailed discussion, it was decided that a joint team comprising of representative of concerned Municipal Corporation and DISCOM should visit the premises for disconnection of electricity supply.
9. Commissioner (Police) suggested that MCD/DDA should send information regarding carrying out the closure operations, in advance, to the area DCP. He further mentioned that in case of any law and order problem, the representatives of Municipal Corporation/DDA carrying out the closure and sealing operation may contact concerned DCP. A nodal officer under the Commissioner of Police was also agreed to.
10. The Chief Secretary invited suggestions from the members of the committee and other participants present in the meeting to ensure effective implementation of the order dated 07.05.2004 of Hon'ble Supreme Court. Based on the suggestions given by the members of the Committee and other participants and after detailed discussions, following decisions were taken:-
 - (i) That, in Step-1, the Municipal Corporations will ensure that the Industrial units under their respective jurisdiction out of the list of 21960 industrial units (list already sent to Municipal Corporations) who have been allotted alternate industrial plots under the Relocation Scheme are closed, if they have not closed down operations. Sealing of premises, disconnection of electricity and water supply should also be ensured wherever required. The process should be completed within 15 days.
 - (ii) That, in Step-2, the Municipal Corporations are required to identify the premises of applicants numbering 51837 less 21960 successful allottees under their respective areas who had applied for allotment of alternate plots under the Relocation Scheme and will ensure that no impermissible industrial activity is carried out from such premises. The list of 51837 industries has already been provided to the Municipal Corporations.
 - (iii) That, in Step-3, the Municipal Corporations and the Delhi Development Authority will carry out a comprehensive mapping/survey to find out details of industries functioning without obtaining proper municipal license in respect of their respective jurisdiction within a period of 2 months. Once the non permitted industries are identified during the mapping exercise/survey, notices to close down the industrial activities be issued and effective closure including disconnection of water supply and electricity connection be carried out within 30 days of such detection.

- (iv) It was decided that the Municipal Corporations/DDA should take action on the above steps simultaneously and that the Municipal Commissioners and VC, DDA will review the progress on fortnightly basis.
- (v) It was decided that the meeting of the Monitoring Committee will be held once every three months to monitor the progress.
- (vi) It was decided that the reports on the action taken so far will be obtained from the Municipal Corporations/DDA on a common template (draft attached as Annexure-II) and a consolidated report will be submitted before the Hon'ble Supreme Court before 29.09.2018 after getting it approved/signed from the members of the Monitoring Committee.

ATTENDANCE SHEET

Date: 13.09.2016

Time: 06.00 pm

Sub: Meeting reg. Supreme Court Order - Monitoring Committee meeting on closure of impermissible industries in residential/ unconforming areas

S.N.	Name	Designation	Mobile. No.	Email ID	Signature
1	AMULYA PATNAIK	CP/Delhi	9818099001		
2	Mohanjit Singh	Pr Secy			
	Anu Mishra	INIX SPL. CI	9910209257		
4	Ashok Kumar	Addl Commr EDML			
5	ANIL K. SINGH	Secretary Genl Hqs	9999237373		
6	S. M. ALI	Secy (EAF) MS (DPCC)			
7	Dr. Anil Kumar	Director (Env) GNCTD	9717593505		
8	Mohammed A Abid	DC Hqs Revenue Dept			
9	RAJESH BANSAL	Head (Network) BPL	935021602	rajesh.m.bansal@relianceada.com	
10	VIJAY PANPALIA	Asst VP CIRCLE HEAD	9819956065	VIJAY.PANPALIA@RELIANCEADA.COM	
11	Prem Singh	VP BYPL	9350130399	Prem.Kh.Singh@relianceada.com	
12	S. K. Nandan Gwite	DCF (S)	8800873022	dcfso.upt-delhi@gmail.in	
13	Bharat Malshwani	DCF (West)	9773826992	dcfwest.gnctd@gmail.in	
14	Ishwar Singh	Addl. PCCF	858881968	apccf@gnctd@gmail.com	
15	S. D. SLOD	Dy. CCA-DOA	9810536562	shermas.d.doa@gmail.com	
16	Leena Sahgal	Commissioner (P) DPA	9810927919	commr.plg@gmail.com	
17	Umesh K Tyagi	Addl Commr SDMC			
18	Anil Sharma	Hd. GOVT DPA	9658881968	anil.k.sharma@talipower.dcll.com	
19	V. P. Sharma	HOD (RRG & LSC)	9818100574	v.sharma@talipower.dcll.com	
20	Karshu Lohi	Secy Power			

ATTENDANCE SHEET

Date: 13.09.2018

Time: 06.00 pm

Sub: Meeting reg. Supreme Court Order - Monitoring Committee meeting on closure of impermissible industries in residential/ unconforming areas

S.N.	Name	Designation	Mobile. No.	Email ID	Signature
21	MADHUP YAS	Comm. North DMC	8805587901		
22	RANBIR SINGH	Commissioner EDMC			
23	Rajiv Padwanshi	Principal Secretary Urban Dev.	011-23392212	prud@ntca.in	
24	Kemethal	Commissioner SDMC			
25	Sra Singhal	SOM, Alipur for DM (North)	Revenue 9810932985	sdmsinghal@gmail.com	
26	Purna Gang	SOM Narela, for DM (North)	Revenue	Sdmnarela00@gmail.com 9654200151	
27	ARUNO KUMAR	Manager TPO	9971392481	arun.kumar@ taddl.com	
28	SANJAY KUMAR	So.	9999192767	sanjayvs@taddl.com	
29	Bindu Sharma	Taddl-UP BRL	9313521072	bindu.sharma@ relianceada.com	
30	MANRESH	XUP BRL	9350261049	manush.wan@ relianceada.com	
31	Ajhar Javed	Adl VP, BRL	980829045		
32	H.L. Maliki	Asst (BRL)	9891353988		
33	Rohent Bhardwaj	AO (EDMC)	9990909035		
34	SINA KUMAR	Sofl/EDMC	9871550299		
35	Poonam UPS)	Adl CP (TPO/DMC) BRL Police.	9818099040		
36					
37					
38					
39					
40					

ANNEXURE-II

Common Template for consolidated report to be submitted by the Municipal Corporations/DDA

S.No	Action point	During July-Aug. 2018	Cumulative figure (w.e.f 01.05.2012)
1	Total number of industrial units in residential/non-conforming areas.		
2	Total number of unauthorized industrial units closed and sealed.		
3	Total number of cases where directions have been issued to DISCOMS for disconnection of electricity to such illegal units.		
4	Total number of cases where directions have been issued to Delhi Jal Board for disconnection of water supply to such illegal units.		
5	Total number of cases where disconnection of water supply done by DJB.		
6.	Total number of cases where disconnection of Electricity done by DISCOM.		

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ANNEXURE R/8

Most Urgent
By-email


OFFICE OF THE COMMISSIONER OF INDUSTRIES
GOVT. OF NCT OF DELHI : UDYOG SADAN
419, FIE, PATPARGANJ INDUSTRIAL AREA, DELHI-110092

F.N. 24/DCI/CI (CC)/2018/238-355

Dated:-24.09.2018

Subject: Minutes of the meeting held under the Chairmanship of Pr. Secretary-cum-Commissioner (Industries), Govt. of NCT of Delhi on 20.09.2018 at 3:30 pm regarding implementation of order dated 24.08.2018 of Hon'ble Supreme Court.

Kindly find enclosed herewith minutes of the meeting held under the Chairmanship of Pr. Secretary-cum-Commissioner (Industries), Govt. of NCT of Delhi on 20.09.2018 at 3:30 pm regarding implementation of order dated 24.08.2018 of Hon'ble Supreme Court for information and necessary action. It is requested to kindly send the action taken report to this office by today evening positively.


24/09/2018

(T.P.Singh)

Dy. Commissioner of Industries (CC)

Encl.: Minutes of the meeting

To,


1. Pr. Secretary (UD), GNCTD, Department of Urban Development, 9th Level, C Wing, Delhi Secretariat, New Delhi-110002
2. The Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.
3. Secretary (Power), Govt. of NCT of Delhi, 8th Level, B-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
4. Commissioner, East Delhi Municipal Corporation, 419, FIE, Patparganj Industrial Area, Delhi-110092

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5. Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi
6. Commissioner, South Delhi Municipal Corporation, 9th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi
7. CEO, Delhi Jal Board, Varunalaya, Phase II Karol Bagh New Delhi
8. Chief Executive Officer, BRPL, BSES Bhawan, Nehru Place, New Delhi
9. Chief Executive Officer, BYPL, Shakti Kiran Building, New Delhi
10. Chief Executive Officer, TPDDL, Hudson Lane, Kingsway Camp, Delhi
11. Additional Commissioner (Factory Licensing), East Delhi Municipal Corporation, 419, FIE, Patparganj Industrial Area, Delhi-110092
12. Additional Commissioner (Factory Licensing), North Delhi Municipal Corporation, 4th Floor, Dr. Shyama Prasad Mukherjee Civic Centre, Minto Road, New Delhi
13. Additional Commissioner (Factory Licensing), South Delhi Municipal Corporation, 9th Floor, Dr. Shyama Prasad Mukherjee Civic Centre, Minto Road, New Delhi
14. Dy. Commissioner of Industries (Complaint Cell), Govt. of NCT of Delhi, Udyog Sadan, 419, FIF, Patparganj, Delhi-92.
15. CM (Relocation), DSIIDC, Udyog Sadan, 419, FIF, Patparganj, Delhi-92

Copy for information to:-

1. SO to Chief Secretary, Delhi, Delhi Secretariat, New Delhi.
2. PS to Pr. Secretary, Industries, Govt. of NCT of Delhi
3. PS to Spl. Commissioner (Industries), Govt. of NCT of Delhi


24/10/18

(T.P. Singh)

Dy. Commissioner of Industries (CC)

316

Minutes of the meeting held under the Chairmanship of Pr. Secretary-cum-Commissioner (Industries), Govt. of NCT of Delhi on 20.09.2018 at 3:30 pm regarding implementation of order dated 24.08.2018 of Hon'ble Supreme Court.

A meeting was held under the Chairmanship of Pr. Secretary-cum-Commissioner (Industries), Govt. of NCT of Delhi on 20.09.2018 at 3:30 pm in the conference room of DSIIDC, Bombay Life Building New Delhi to review progress of implementation of order dated 24.08.2018 of Hon'ble Supreme Court related to closure/relocation of impermissible industrial units functioning in residential/non-conforming areas of Delhi.

List of officers of various departments/agencies of Govt. of NCT of Delhi who attended this meeting is placed at Annexure I.

It was informed that as decided in the meeting of the Monitoring Committee held on 13.09.2018, an application for seeking extension of time upto 29.09.2018 for filing the consolidated report has been filed in the Hon'ble Supreme Court of India.

Pr. Secy-cum-Commissioner (Industries) emphasized that all the concerned agencies namely three Municipal Corporations, DJB and DISCOMS should immediately prepare the requisite consolidated report on the prescribed template (copy enclosed) which was circulated earlier along with the minutes of the meeting of the Monitoring Committee and the meeting notice issued for the aforesaid meeting, and send the same to the office of the Commissioner of Industries, Govt. of NCT of Delhi on e-mail(commind@nic.in) by 24th September, 2018 before 3:00 pm.

A meeting to review and discuss the aforementioned report that would be submitted by the Municipal Corporations, DJB and DISCOMS will be held on 25.09.2018 at 4:00 pm under the Chairmanship of Pr. Secy-cum-Commissioner (Industries), in the Conference Room of DSIIDC, Bombay Life Building, Connaught Circus, New Delhi.






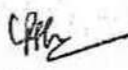
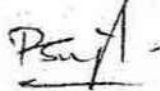
In addition to above, the following decisions were also taken in this meeting:-

317

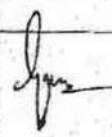






1. Municipal Corporations of Delhi will jointly prepare a self-contained note containing details of use premises where commercial activities, and/or industrial activities are permitted as per Master Plan of Delhi 2021 and send the same to DISCOMS and DJB for the purpose of grant of electricity and water connection in residential /non-conforming areas. It was also emphasized that the provisions of Mater Plan of Delhi-2021 are to be strictly adhered to and as such, if the same are found to be contrary to the directions of the Delhi Electricity Regulatory Commission (DERC), the DISCOMS will take up the matter with DERC for seeking suitable directions in order to implement the provisions of MPD-2021.
2. The CEO, DJB will appoint a nodal officer for compiling the information relating to disconnection of water supply in all zones/districts.
3. It was decided that all Municipal Corporations will complete the survey of non permitted industries operating in residential/non-conforming areas in a time bound manner as decided in the meeting of the Monitoring Committee held on 13.09.2018 under the Chairmanship of the Chief Secretary, Delhi.
4. A common template for compilation of data relating to disconnection of electricity and water connection will be prepared jointly by the DJB and DISCOMS and will be immediately forwarded to all the three Municipal Corporations. Thereafter the information in the template will be furnished by Municipal Corporations to the DJB and DISCOMS for further action.

The meeting ended with a vote of thanks to the chair.



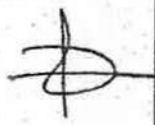

Attendance Sheet for the meeting reg. Implementation of order dated 24.08.2018 of Hon'ble Supreme Court related to Closure/relocation of impermissible industrial units functioning in residential/non-conforming areas of Delhi held on 20.09.2018

Name of Officer & Designation	Name of Department/organization	Mob. No	E-mail ID	Signature
1. T. P. SINGH Dy C.F. (CC)	Industries Deptt. ANCTD.	9799329107	tp.singh49@gmail.com	
2. B PERAI AC FL/MDnoc	FL Deptt. North Delhi Mpl Corp	846781358	defactory.licenij ndmc@gmail.com	
3. Izhar Ahmad SO/FL/MDMC	FL Deptt. North D.M.C	9015449450		
4. ASHOK KUMAR	Delhi Jal Board	8800094950	eevestiii@gmail.com	
5. Vijay Sagar.	DJB	7065207929	djbceestiii@gmail.com	
6. V.P. Sharma	TPDDL	9818100574	v.sharma@tata power.co.in	
7. Prem Singh	BYPL	9350130399	Prem.Kh. Singh @relianceada.com	

Attendance Sheet for the meeting reg. Implementation of order dated 24.08.2018 of Hon'ble Supreme Court related to Closure/relocation of impermissible industrial units functioning in residential/non-conforming areas of Delhi held on 20.09.2018

Name of Officer & Designation	Name of Department/organization	Mob. No	E-mail ID	Signature
P. K. Jain	DJB	9650291593	—	
ARVIND KUMAR	TPDDL	9971392981	arvind.kumar@ Fatapower-ddl. com	
M. K. Verma	DDB	9650290758	—	
R. K. Singh	DJB	9650291642		
M. K. Jain	DJB	9650291092		
Sandeep Kumar ADCL(PLD)	SDMC	8130892285		
Sanjay Kumar S.D./FO/SDMC	SDMC	9999198169		

Attendance Sheet for the meeting reg. Implementation of order dated 24.08.2018 of Hon'ble Supreme Court related to Closure/relocation of impermissible industrial units functioning in residential/non-conforming areas of Delhi held on 20.09.2018

Name of Officer & Designation	Name of Department/organization	Mob. No	E-mail ID	Signature
S.S. Gupta Spl. Secy	Urban Development GNCTD			
VIJAY PANPALIA	BRPL	9819956065	VIJAY.PANPALIA @RELIANCEADA .COM	
Deepak shinde	DC (FL), EDMC	98109810 19		
ANIL KUMAR ROY	AC (FL) EDMC	882687 5385	anilroy mail@ gmail.com	

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ANNEXURE R/9

**OFFICE OF THE COMMISSIONER OF INDUSTRIES
GOVT. OF NCT OF DELHI : UDYOG SADAN.
419, FIE, PATPARGANJ INDUSTRIAL AREA, DELHI-110092**

No. F.1/CI/DCI/Comp./ 2013/ 40/-408:

Dated :03.10.2018


**Subject:- Common Template for maintaining data regarding
disconnection of electricity and water supply**

Sir,

Kindly find enclosed herewith Draft of Common Template for maintaining data in respect of cases being sent to DISCOMS for disconnection of electricity supply and DBJ for disconnection of water supply, received from Shri Vijay Panpalia, for your suggestions/comments.

This matter was discussed in the meeting held on 20.09.2018 under the chairmanship of Pr. Secy-cum-Commissioner (Industries) to review the progress of implementation of order dated 24.08.2018 of Hon'ble Supreme Court related to closure/relocation of impermissible industrial units functioning illegally in residential/non-conforming area of Delhi.

An early response is requested.


03.10.2018
(T.P.Singh)

Dy. Commissioner of Industries

To,

1. Commissioner, East Delhi Municipal Corporation, 419, FIE, Patparganj Industrial Area, Delhi-110092
2. Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi
3. Commissioner, South Delhi Municipal Corporation, 9th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi
4. CEO, Delhi Jal Board, Varunalaya, Phase II Karol Bagh New Delhi
5. Chief Executive Officer, BRPL, BSES Bhawan, Nehru Place, New Delhi
6. Chief Executive Officer, BYPL, Shakti Kiran Building, New Delhi
7. Chief Executive Officer, TPDDL, Hudson Lane, Kingsway Camp, Delhi
8. Member Secretary (DPCC), 4th & 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006

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Sr. No.	Name	Address	Trade	Power load	Zone	Corporation	Electricity Meter Number
1							
2							
3							
4							
5							
6							
7							
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9							
10							
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19							
20							

324

Sr. No.	Name	Address	Trade	Power Load	Zone	DPCC	Electric Meter Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

From: Akshata Sharma
To: mansichahal104@gmail.com; senv@nic.in; mccb.cpcb@nic.in; msdpcc@nic.in; prodjb306@gmail.com; cp.bsbassi@nic.in; anashaikh007@gmail.com
Cc: Anupam Varma; Nikhil Sharma
Subject: Advance Service in O.A. No. 707 of 2023 Saira Begum v. GoNCTD & Ors.
Date: 25 January 2025 15:02:00
Attachments: [image001.png](#)
[image002.png](#)
[\[Reply\] Saira Begum v. GONCTD & Ors. O.A. 707 of 2023.pdf](#)

Dear All,

We are Counsel for BSES Yamuna Power Limited / Respondent No. 5 in the captioned matter.

Please find attached herewith the Reply to the Original Application filed in the captioned matter, as an advance service.

Kindly acknowledge the receipt of this email.

Regards,

S. Akshata

Associate



advocates & solicitors

B-303, 3rd Floor, Ansal Plaza, Hudco Place

August Kranti Marg, New Delhi - 110049

B: +91 11 43110 0600 | M: +91 8340462840 | D:+91 11 43110 639

akshata.sharma@jsalaw.com | www.jsalaw.com



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24 Ranked Lawyers



11 Practices and
39 Ranked Lawyers

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