

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

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Appeal No. 05/2025

(Against the CGRF-BYPL's order dated 09.12.2024 in Complaint No. 425/2024)

IN THE MATTER OF

Shri Tilak Raj

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri N.K. Ray, Advocate

Respondent: Ms. Shweta Bist, DGM, Shri Akshat Aggarwal, Legal Retainer and Shri Akash Swami, Advocate, on behalf of BYPL

Date of Hearing: 07.05.2025

Date of Order: 08.05.2025

ORDER

1. Appeal No. 05/2025 dated 09.01.2025 has been filed by Shri Tilak Raj, R/o J-4A, Fourth Floor, Laxmi Nagar, Delhi - 110092, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 09.12.2024 in Complaint No. 425/2025 on the grievance raised about non-release of applied for new connection.

2. The background of the case is that the Appellant had applied for new electricity connections at the above-mentioned premises vide Request No. 8006973537. The Discom rejected his request on the grounds that (a) dues were pending at the site, (b) the building's height is more than 15 meters, and (c) 'BCC' or Fire Clearance was required. Against this, the Appellant filed a complaint before the CGRF, stating that the Discom had rejected his application, showing wrong outstanding dues against the premises. The Appellant further submitted a rejoinder asserting that the total area of the said building was 200 sq. yds, with two flats on each floor. According to the DERC's Sixth Amendment Order dated 15.04.2021, the building height is below 15 meters. There was one guard-room in the stilt



parking and the remaining area was for parking on the ground floor. Furthermore, Discom had raised outstanding dues of Rs. 1,385/- on a pro-rata basis on the premises/site, which he was ready to pay.

3. The Discom submitted before the Forum that on inspection of the premises in question, it was found that as per the Delhi Electricity Regulatory Commission (Supply Code & Performance Standards) Regulations, 2017, there were several deficiencies. A copy of the Site Inspection Report and outstanding bill were submitted before the Forum, for consideration and taken on record. The deficiencies detailed in the Inspection Report dated 29.05.2024, were as follows:

(a) The applied premises, which the Appellant claims as the fourth floor, was effectively fifth floor. The building consists of Ground Floor + Upper Ground Floor and Four Floors, having a height of more than 15 meters, and connection sought was effectively for the fifth floor.

(b) It was found that there are outstanding dues pending against CA No. 100904974 on the same premises, and the Appellant's pro-rata share amounting to Rs.1,385/- was payable.

In light of the above, the Discom rejected the Appellant's request for a new connection.

4. The CGRF-BYPL, in its order dated 09.12.2024, considered that the new connection applied or is a domestic connection. Therefore, According to the DERC's Sixth Amendment Order dated 15.04.2021, the complainant is entitled for a new domestic connection, if the height of his floor was within 15 meters. Further, as per the Architect's certificate, submitted by the complainant, the building consists of stilt parking as well as the Upper Ground Floor, First to Fourth Floors. However, Discom submitted a site visit report, which was also taken on record, showing that there was no stilt parking. Therefore, the information furnished with the application was at variance with the actual position at site. Furthermore, the complainant had not submitted the sanctioned building plan or 'BCC'. Consequently, the Forum directed the Discom not to sanction the load on the fourth floor, which is actually the fifth floor and above 15 meters.

5. The Appellant, aggrieved by the order dated 09.12.2024, passed by CGRF-BYPL, has filed this appeal, and contends that his building has stilt parking where one guard room has been built which is permissible as per building bye-laws. He has provided a height certificate from the Architect to support his claim. Furthermore, Discom is installing the meters on the fourth and fifth floors on the basis of an Architect's certificate, but the Appellant has been harassed due to non-fulfillment of demand. The Appellant has



requested an investigation into the matter and release of the connection as soon as possible.

6. The Discom, in its written submission dated 04.02.2025 to the appeal, has reiterated the facts placed before the CGRF-BYPL. In addition, the Discom submitted that the Appellant sought a connection on the effective fifth floor, which is barred by Rule 27 of the Delhi Fire Service. The Discom further submitted that the Appellant had misconceived the notion of law by placing reliance on the 6th Amendment of the DERC's Supply Code, 2017, as the height of the applied premises is more than 15 meters and there is no stilt parking. The said guidelines contended in the amendment were not applicable in this case. Moreover, Appellant himself admitted that one guard-room exists in the stilt parking. Therefore, it cannot be considered as stilt parking. Regarding the Appellant's claim that the entire premises has the electricity connections except his floor, the Discom submitted that this is also not correct, as connections are sanctioned considering the circumstances of each and every floor individually. The Discom also denied the alleged gratification demand by its officials and submitted that the Appellant has to provide proof in respect of the allegation.

7. This Court directing Discom to carryout joint inspection along with Appellant duly signed report by both. Discom submitted the same and from joint inspection report dated 28.03.2025, it is clarified a small servant room is constructed in stilt parking and rest whole area is being used for parking.

8. The appeal was admitted and fixed for hearing on 25.04.2025 but was postponed to 07.05.2025 on the request of the Respondent. During the hearing, the Appellant was represented by advocate Shri N.K. Ray and the Respondent was represented by its authorized representatives/advocate. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

9. During the hearing, the advocate appearing for the Appellant reiterated the contentions as in the appeal. Advocate submitted that the applied premises has a height of 17.5 meters with stilt parking, having a guard room and a toilet. He conceded that sanctioned building plan for the premises in the area of Laxmi Nagar, was not obtained and submitted. However, he was entitled to the applied for connection, in the light of the prevailing guidelines.

10. In rebuttal, the Respondent contended that the issue in hand was whether the existence of guard room should be considered within the stilt parking. In response to a query by the Advisor (Engineering) to the site visit reports dated 29.05.2024 & 28.03.2025 with respect to TF Final Remarks on existence of a servant room and a toilet in the parking area, the Respondent asserted that there was a confusion in this regard which resulted in



denial of the requisite connection. Attention was invited to the provisions of the Unified Building Bye Laws (UBBL) 2016) which allows for a guard room and a toilet in the stilt parking. In the light of the explicit provision in the UBBL, 2016, the Advocate conceded that the denial of applied connection was uncalled for.

11. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:


- (a) New connection (Domestic) applied for by the Appellant at 4th Floor, J-4A, Laxmi Nagar, Delhi – 110092, was denied due to building height being more than 15 meters, BCC or fire Clearance was required. There were also pro-rata share of Rs.1,385/- dues at site against CA No. 100904974.
- (b) Inspection Report by Discom states that the applied premises is Ground + Upper Ground + Four Floors having height more than 15 meters, connection sought is effectively for fifth (5th) floor. Therefore, BCC or Fire Clearance, under section 27 of Delhi Fire Rules was required.
- (c) The Appellant has contended that apart from his flat, all other flats in the building have connections. According to the DERC's Guidelines (6th Amendment dated 15.04.2021), on ground floor one guard room exists, rest all space is for parking. Property is 200 sq. yards with two flats on each floor. Architect's Certificate dated 25.10.2024 submitted before CGRF states that the building is comprised of stilt parking, Under Ground Floor, First Floor, Second Floor, Third Floor and Fourth Floor, height of the building from road to fourth floor is 17.5 meters.
- (d) In the light of Site Inspection Report of the Discom, the CGRF found the information furnished to be at variance from the actual position. No 'BCC' or 'sanctioned building plan' was submitted to prove the contention of stilt parking.
- (e) While, Delhi Development Authority has permitted guard room in stilt parking, floors to be counted towards Floor Area Ratio (FAR), no sanctioned building plan or BCC is placed on record.
- (f) The Field Inspection Report dated 29.05.2024, clearly mentioned that there is stilt parking and one servant room with a toilet exists in parking area. Therefore, the Appellant is qualified to be covered in Schedule of Charges and the Procedure (6th Amendment) Order dated 15.04.2021.
- (g) Amount of outstanding of Rs.1,385/- on pro-rata basis is payable by the Appellant.



12. In view of the above observations, the order passed by the CGRF is set-aside, as CGRF has not considered the existence of stilt parking. The connection be released being in conformity with the DERC's Sixth Amendment Order dated 15.04.2021, after completion of commercial formalities as well as payment of pro-rata dues. Compliance report be shared with this office within 30 days of the order.

13. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
08.05.2025