

**OFFICE OF THE ELECTRICITY OMBUDSMAN**

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

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

(Phone No.: 011-26144979)

**Appeal No. 06/2021**

(Against the CGRF-BRPL's order dated 30.12.2020 in CG. No. 43/2020)

**IN THE MATTER OF**

**SHRI SURAJ KUMAR**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

Appellant: Shri Suraj Kumar along with Shri Vivek Rajput

Respondent: Shri Taranjeet Singh, Sr. Manager, Shri S. Bhattacharjee,  
Sr. Manager and Shri Deepak Pathak, Advocate,  
on behalf of BRPL

Date of Hearing: 12.08.2021 & 17.08.2021

Date of Order: 31.08.2021

1. The Appeal No. 06/2021 has been filed by Shri Suraj Kumar against the order of the Forum (CGRF-BRPL) dated 30.12.2020 passed in C.G. No. 43/2020. The basic issue concerned in the Appellant's grievance is regarding the non-release of new permanent connection by the Discom (Respondent) at Plot No. 7 & 14, RCE Society, Ram Chander Enclave, Mohan Garden, Uttam Nagar, New Delhi - 110059 on account of non-provision of space by the occupants of the building for the installation of new transformer as the existing transformer from where the temporary electricity connection has been provided to them at present is overloaded.

2. The Appellant submitted that their building has 18 families and that they all are suffering for the past two years because of non release of permanent

meter connection by the Discom. They are being provided electricity at present through a temporary meter which now gets overloaded time and again causing disruption of supply. He further stated that their applications for new connections have been rejected by the Discom number of times on one pretext or the other. All flat owners are compromising just because of the assurance given by the builder to get the things settled but he has not been able to get the permanent electricity connections released for the owners of the flats. At present, the situation has become quite serious on account of burning of main electricity wires coming out from the temporary meter every alternate day. Further, even their temporary connection was recently disconnected due to non-payment of the bills by the builder. This temporary electricity connection was originally taken by the builder at the time of construction. However, the temporary connection was restored and not disconnected again as per the directions of the CGRF on the condition that they continue to pay the dues against the electricity bill.

3. The Appellant approached the CGRF wherein a joint inspection was also got carried out to find a suitable place for the location of a new transformer. In view of the joint inspection, a suitable place was identified for installation of the transformer and the Appellant was directed to get the consent of the other occupiers of the building and the builder in writing for authorizing the Discom to install the transformer at the space selected by them during the joint inspection. But the Appellant showed his inability in getting the consent of the other occupants/builder as they are not cooperating. In view of the above facts and Regulation 14(7) of DERC Regulations, 2017, the CGRF decided that the Appellant has to arrange to provide the adequate space for installation of the transformer through which the supply can be provided. Further, once the space is provided, the Discom has to carry out the work of installation of the transformer and provide connection to the Appellant.

4. The Discom in its reply submitted that the Appellant has failed to state as to how he is eligible under law for a new connection, in view of the DERC Regulation, which mandates providing of space for sub-station and charges in case the total built-up area of the property size is 1000 sq. m and above. Admittedly the total built-up area size is greater than 1000 sq. m and therefore the space for installation of sub-station is sine qua non for sanctioning of the connection and the connection has rightly been rejected for non providing the space for the same as the Application is having defects in terms of DERC

Regulation and as such the plea taken by the Appellant in the instant appeal de hors the legal basis and shows complete ignorance of law and as such there is no merit in the instant appeal which deserves to be dismissed at the outset. ➡

The Discom further submitted that in the instant case, the Appellant is seeking connection in a flat which is built up on the plot of size 300 sq. yds and a total of 18 flats have been constructed. The Builder while constructing the flat did not follow the requirement of law for electricity connection in such plots which mandates providing the space for sub-station/transformer as per DERC Regulations. The CGRF during the pendency of the proceeding went extra mile ahead and directed to conduct a site visit for space for installation of transformer as per law on 06.10.2020, however, the developer and other occupants were unable to provide consent for a suitable space identified by their officials near the applied premises. It is imperative to mention that the existing temporary connection sanctioned under temporary basis for construction purpose is feeding the supply to entire flats and due to overload the same is burnt regularly. Since the temporary connection was sanctioned for construction purpose and has served its purpose as the construction is complete and therefore liable to be disconnected, however, in view of the direction of the CGRF, the same was not disconnected. The flats owners of the plot and builder have to find a solution to provide space for installation of transformer. The entire issue was dealt at length by the CGRF and relying upon the provision of DERC Regulation, the complaint was dismissed being the violation of law.

The Discom also raised the issue of height of the building being more than 15 meters without stilt parking which is also one of the reasons which prohibits them to release the connection. But as per the Discom basically the applied connection has been rejected on the basis of sub-station space required to be provided by the Appellant, since the total built-up area is more than 1000 Sq. M., which is as per the applicable Clause 6, Sub-clause 4 of the Schedule of Charges and the procedure under DERC, Regulation, 2017.

In addition to above, the Discom also stated that during the hearing in the CGRF, the Appellant had confirmed readiness to remove the two shops constructed at parking level and also provide space for dry type transformer installation in parking area alongwith consent of all the residents/flat owners of

the building. But, till date no development in this regard has been received from the Appellant. In view of the above, categorical discussion on facts and law, it is apparent that there are no legal and factual infirmities and as such the CGRF's order does not require any interference and the present appeal deserves to be dismissed as the Appellant has no case on merit. The Discom has acted as per Law and Regulation and there is no violation of law in any manner.

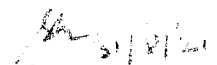
5. After hearing both the parties at length and considering the material on record, it is observed that basically it is an issue of dispute between the Appellant and other owners of the flats with the developer/builder. The builder has been giving them the assurance to get the things settled for the last 2/3 years but he has not been able to provide the owners of the flats with individual permanent electricity connections. In this regard, it is pertinent to mention here that sorting out the issues between the builder and the occupants is beyond the jurisdiction of this Court.

However, it is observed that the case has been thoroughly and exhaustively dealt in by the CGRF. A Joint Inspection was also got carried out for finding a suitable space for the installation of the transformer. But the consent of the other flat owners and the builder for the space so identified jointly by the Discom and the Appellant for installation of the transformer has not been given by the Appellant till date. In view of the above background, the CGRF has rightly decided that the Appellant has to arrange to provide adequate space for installation of the transformer through which the supply can be provided to the Appellant and once the space has been provided to the Discom, they have to carry out the work of transformer installation and give connection to the Appellant.

In view of above and keeping in view of the facts on record and pleadings of the parties, it is concluded that the permanent new connection can be released to the Appellant only after the required space is provided by the Appellant for installation of the transformer. This is also in accordance with the applicable Regulation 14(7) and Clause 6, Sub-clause 4 of the Schedule of Charges and Procedure under DERC Regulations, 2017, which deals with the space for Installation of Grid Sub-Station, Transformers, Service Line, Meter and other equipments under Regulation 22 of Supply Code Regulations. The order of the CGRF is in accordance with the law and does

not suffer from any legal and factual infirmity so as to warrant any interference. However, the Discom is advised to ensure that a space for transformer is got earmarked by the developers before providing them a temporary connection for the purpose of construction to the developers/builders in order to avoid such like situation at a later stage.

The case is disposed of accordingly.

  
(S.C.Vashishta)  
Electricity Ombudsman  
31.08.2021