

**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)

**Review Petition in Appeal No. 09/2022**

(Against the CGRF-BRPL's order dated 22.02.2022 in CG No. 154/2021)

**IN THE MATTER OF**

Shri Vinod Kumar Bansal

Vs.

BSES Rajdhani Power Ltd.

Present:

Respondent: Shri Manish Kumar, DGM, Shri S. Bhattacharjee,  
Senior Manager and Shri Deepak Pathak, Advocate, on  
behalf of BRPL

Date of Hearing: 21.09.2022

Date of Order: 22.09.2022

**ORDER**

1. Shri Vinod Kumar Bansal, in his Appeal No.09/2022 against the order of CGRF-BRPL dated 22.02.2022, prayed before the Ombudsman for change of category from non-domestic to domestic for electricity connection bearing CA No.153181709 which was being used in the basement of premises, E-1/18, Vasant Vihar, New Delhi – 110057.

2. The matter was heard on 18.07.2022 and in the order dated 19.07.2022, the Ombudsman held that the basement is an integral and ancillary part of residential accommodation provided:

- a) The approach to the basement is through the residential quarter.
- b) There is no entry/exist from/to the street.
- c) It is not used for commercial purposes and used only for



- i) Storage of household goods
- ii) Recreation
- iii) Air-conditioning equipment and other machines used for services and utilities of the building and
- iv) Parking space

3. It was also observed that the Unified Building Bye-Laws and MPD'21 allowed basement in the buildings subject to the restrictions laid-down. Accordingly, the Ombudsman directed the Respondent to undertake the following actions:

- (a) Take an undertaking from the Appellant with regard to structure and usage of the basement.
- (b) Change the category of the basement connection from non-domestic to domestic accordingly.
- (c) To refund the excess security amount after changing the tariff accordingly.
- (d) To devise a suitable mechanism for inspection of the basement on application and making recommendations thereto on the basis of inspection whether the basement is complying with the MPD-2021 and UBBLD-2016 and also with regards to its usage.

The Respondent, vide their communication dated 22.08.2022, has submitted a Review Petition against the order dated 19.07.2022 on the ground that DERC (Supply Code and Performance Standards) Regulations, 2017 and Tariff Order, do not prescribe any category for basement and, therefore, residual clause, as provided under non-domestic category, is applicable and, therefore, the consumer who had initially applied for and was granted a non-domestic category connection.

In support of the averment, reliance has been placed on an Order dated 30.01.2018 passed by Hon'ble High Court of Delhi in WP (C) No.4349 / 2017, whereby directives are issued that before sanctioning an electricity connection, the concerned electricity company shall ensure that the connections provided in any premises can be only for a user of the premises as is permitted by MPD-2021 as well as other bye-laws.

4. In accordance with the provisions of the DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations 2018, a Review under Regulation 33 can be submitted by any aggrieved person upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or on account of some mistake or error apparent from the face of the record.

5. In the present case, there is no new material relied upon by the Respondent / BRPL for consideration by the Ombudsman. The only ground is that the order is contrary to the DERC Supply Code and Tariff Order and that in the event of any doubt, clarification from the DERC could have been taken since the order passed was in conflict with Law, the provision of the Supply Code and the tariff order.

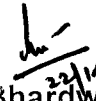
6. The matter has been considered.

7. The Tariff Order under the head "Domestic Category" in "Clause 1.1 a." expressly states that domestic category is applicable to residential consumers.

In respect of non-domestic consumers, different establishments carrying out commercial activities are expressly included under the head "Non-domestic". In "Clause o" under this category, it is provided that any other category of consumers not specified/covered in any other category in this Schedule will fall in non-domestic category. The model Building Bye-laws as well as Master Plan of Delhi authorize basement in residential buildings. It is not in dispute that the Appellant is a bonafide resident of the house where the basement exists. He has not ceased to be residential consumer and is a user of the residential premises of which basement forms a part. In the order dated 19.07.2022, express conditions have been laid down allowing the Respondent to obtain an undertaking from the Appellant with regard to structure and usage of the basement, to devise a suitable mechanism for inspection of the basement and to change the category of basement connection from non-domestic to domestic. 'Basement' *per se* cannot be any other category of consumer in terms of entry 'o' under the head "Non-Domestic".

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8. In the light of the above, there is no merit in the Review Petition; hence, the same is dismissed. The Respondent is directed to change the category of the non domestic to domestic connection installed at the basement in terms of the order dated 19.07.2022 within next seven days of this order.

  
(P. K. Bhardwaj)  
Electricity Ombudsman  
22.09.2022