

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)

(Against the CGRF-BYPL's order dated 14.05.2024 in Complaint No.67/2024)

IN THE MATTER OF

Shri Ahad Kamran

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Nishi Kant Ray, Advocate on behalf of the Appellant.

Respondent: Shri Ravi Tiwari, Manager, Ms Chhavi Rani, Legal Retainer
& Ms Ritu Gupta, Advocate, on behalf of BYPL

Date of Hearing: 21.08.2024

Date of Order: 21.08.2024

ORDER

1. The present appeal No. 16/2024 dated 10.06.2024 has been filed by Shri Ahad Kamran, H. No.1374, Pahari Imli Choori Walan, Delhi – 110006, against the Consumer Grievance Redressal Forum – BSES Yamuna Power Limited (CGRF-BYPL)'s order dated 14.05.2024 passed in Complaint No. 67/2024. Appellant's request for new connection at the fourth floor of the residential building was rejected for want of Fire Safety Clearance Certificate (FCC) since the residential building is constructed in the form of basement + ground + upper ground + four floors, therefore, fourth floor is effectively fifth floor.

2. The matter was taken up for hearing today i.e. on 21.08.2024. Both the parties were present.

3. During the course of hearing, the Advocate for the Appellant reiterated the submissions filed in the appeal. As far as issue of height is concerned, Advocate contended about difference in heights mentioned in the various site visit reports for the subject floor. Previous report dated 21.01.2021 measured the building height from




basement till third floor as 16.80 meters instead to be taken from ground floor to third floor. However, report dated 22.04.2024, carried out during the pendency of matter before the CGRF, does not mention the height. After final arguments, the site was re-visited on 08.05.2024 on the basis of CGRF's order, without associating the Appellant, in which building height was found as 18.7 meters. In response to a query about submission of the Architect Certificate at belated stage of appeal, the Advocate submitted that at the time of final arguments, there was no mention of height of building. It was learnt as 18.7 meters only on receipt of the CGRF's order. Hence, a Certificate dated 07.06.2024 from the approved Architect of MCD was obtained who had measured the building height as 17.5 meters, within permissible limit.

4. In rebuttal, Advocate for the Respondent, submitted that on account of differential heights measured during 2021 and 2024 and the discontinuation of practice adopted by the Discom for measuring height of the building, special site visit was undertaken on 08.05.2024 in accordance with the direction of the CGRF without communicating to the Appellant in which building height was found as 18.7 meters.

5. It is a matter of record that during a site visit of subject building carried out on 21.01.2021, the height of the building was found as 16.80 meters with stilt parking upto the third floor. Thereafter, the fourth floor was constructed for which a new connection was applied by the Appellant on 01.12.2023. However, the Appellant annexed with the appeal a Certificate dated 07.06.2024 issued by an empanelled Architect of MCD which mentions the height of the building upto fourth floor as 17.5 meters, and forming the basis for releasing of a new requisite connection. On the other hand, the CGRF while reserving its orders directed the Respondent to get the height of the building measured from the ground floor to top floor, which was found as 18.7 meters during site re-visit on 08.05.2024. It is the contention of the Appellant that he was not associated during re-visit of site on 08.05.2024 while measuring the height. Therefore, he has assailed the measurement.

6. To meet the ends of justice, fair play and for removal of any doubt on the issue of the height of the building, Ombudsman directs joint site inspection by the Discom alongwith the Appellant before 27.08.2024 for facilitating further consideration of the matter on 28.08.2024. It will be open to the Appellant to associate the empanelled Architect during the course of joint site inspection.

7. The matter is listed for 28.08.2024 at 2.15 p.m.


(P. K. Bhardwaj)
Electricity Ombudsman
21.08.2024