

**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. 21/2022**

(Against the CGRF-BYPL's order dated 17.06.2022 in Complaint No. 86/2022)

**IN THE MATTER OF**

Shri Mohammad Imran

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Mohammad Imran along with Shri Neeraj Kumar,  
Advocate

Respondent: Shri K. Jagatheesh, DGM, Shri Prateek Pahwa, DGM,  
Shri Imran Siddiqui, Sr. Manager and Ms. Ritu Gupta,  
Advocate, on behalf of BYPL

Date of Hearing: 28.09.2022

Date of Order: 29.09.2022

**ORDER**

1. Appeal No. 21/2022 has been filed by Shri Mohammad Imran, R/o H.No. 3040, Fourth Floor, Kuncha Pandit, Shah Ganj, Near Ajmeri Gate, Delhi - 110006, through Shri Neeraj Kumar, Advocate, against the order of the Forum (CGRF-BYPL) dated 17.06.2022 passed in Complaint No. 86/2022.

2. The background of the case is that the Appellant had approached the CGRF-BYPL with the complaint that the Respondent has not released a new domestic electricity connection at his premises due to (a) building height being more than 15 meters (without stilt parking) and (b) address (fourth floor) is in the East Municipal Corporation Delhi (EDMC)'s objection list.

3. The CGRF observed that the premises, where a new electricity connection is sought booked by the EDMC (now Municipal Corporation of Delhi- MCD)) vide its



two orders, viz, dated 02.03.2021 and 05.04.2021 mentioned at Sno. 8 and 13 respectively. Further, on the basis of the 'Site Visit Report' submitted by the Respondent, the building is four-storey without stilt parking and the height of the building is 17.10 meters, therefore, the Sixth Amendment of DERC's Supply Code vide letter dated 15.04.2021, is not applicable in this present case. The CGRF is of opinion that electricity is the basic necessity and directed the Respondent to release the connection to the complainant on filing the 'Building Completion Certificate' from EDMC or 'Fire Clearance Certificate' and after fulfilling all the commercial formalities as per the DERC's Supply Code, 2017.

4. Aggrieved by the said order of the CGRF, the Appellant has filed the present appeal and has prayed to pass an order for release of new connection. The appeal was admitted and the date of hearing was fixed for 28.09.2022. During the hearing, both the parties were present in person along with their Counsels and opportunity was given to both the parties to plead their case at length.

5. The Appellant contended on the lines submitted in the appeal and stated that the Respondent had installed a new electricity connection in his brother's premises on the third floor of the same building on 01.12.2021, whilst the connection for his premises on the fourth floor has been denied. The Appellant also conveyed that the height of his building is not more than 15 meters and mentioned that EDMC has not been giving completion certificate. The Appellant also contended that there are many electricity connections provided on the basis of the 'Certificate of Architect'. Appellant has also attached a certificate to this effect.

6. The Respondent conveyed that a new domestic connection was released on the third floor of the same premises as the height of the third floor is below 15 meters, and only the Appellant's premises (fourth floor) was booked for unauthorized construction by the EDMC vide their letter dated 05.04.2021. Respondent also produced the Site Visit Report in which it has been specifically mentioned that the height of the building to be more than 15 meters (17.10 meters). It was also conveyed that recently in another case, the Appellant (of that case) had produced the completion certificate. There is an online process to get the completion certificate after uploading the required documents. Respondent further clarified that the system of releasing connections on the basis of the Architect's Certificate has been done away with and the measurement of building height is to be done in accordance with the Delhi Electricity Regulatory Commission's letter No. F.17 (85)/Engg./DERC/2016-17/5403 dated 31.05.2019.




7. I have gone through the appeal, written statement of the Respondent, and heard the arguments of the contending parties. Relevant questions were asked and queries were raised by the Ombudsman and Advisor (Law) on various issues to elicit more information for clarity. The Court, after going through the above, is of the considered opinion that the situation on the ground has not changed since the passing of the order by CGRF dated 17.06.2022, i.e;

- (a) The fourth floor remains in the objection list of EDMC.
- (b) The height of the building remains the same (17.10 meters).
- (c) Completion Certificate from EDMC/NOC from Fire Department has not been obtained by the Appellant.

8. In view of the above, this Court intends to uphold the order of the CGRF and ask the Appellant to get the completion certificate/NOC from the Fire Department and direct the Respondent to release the connection immediately upon Appellant getting the above certificate/s and completing other commercial formalities.

The appeal is disposed off accordingly.

  
(P. K. Bhardwaj)  
Electricity Ombudsman  
29.09.2022