

**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. 28/2024**

(Against the CGRF-BRPL's Order dated 13.08.2024 in CG - 38/2024)

**IN THE MATTER OF**

**Shri Firoz Khan**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

Appellant: Shri Firoz Khan along with Shri Manoj Kumar, Advocates

Respondent: Shri Gaje Singh, Division Head and Shri Shreyek Gutpa, Advocate,  
on behalf of the BSES-BRPL

Date of Hearing: 04.12.2024

Date of Order: 05.12.2024

**ORDER**

1. Shri Firoz Khan filed an appeal against the Consumer Grievance Redressal Forum - Rajdhani Power Limited (CGRF-BRPL)'s order dated 13.08.2024. The appeal challenged the rejection of the Appellant's application for a new electricity connection at his premises in Abul Fazal Enclave, Jamia Nagar, New Delhi.

2. The background of the case is that the Appellant applied for a new electricity connection on 25.04.2024, but his application was rejected by the Discom due to several reasons, including the requirement of a fire clearance certificate from Fire Department, no objection certificate/building completion certificate from MCD, and a wire testing report signed by a licensed Electric contractor.



3. The CGRF-BRPL, in its order dated 13.08.2024, directed the Discom to review the status of the NOC from the Delhi Fire Services Department for the building. The Forum also stated that the connection to Shri Firoz Khan may be released subject to compliance with the NOC and completion of other commercial formalities.

4. The Appellant challenged the CGRF-BRPL's order, arguing that the entire building was granted electricity connections without obtaining an NOC from the Delhi Fire Services Department. The Appellant submitted that he and his family is suffering without electricity connection, and, therefore, requested for release of a new domestic electricity connection.

5. The Discom, in its reply dated 10.10.2024 to the contentions in the appeal has reiterated its submissions as before the CGRF-BRPL. In addition, the Discom confirmed that the building, in question, does not have any fire 'NOC'. Further, notices dated 07.10.2024 & 08.10.2024 were issued to all 26 consumers of the connections installed in the building, instructing them to submit the 'Fire NOC' to this office within 15 working days, failing which, the BSES will have to disconnect electricity supply to the connections to comply with the Forum's order.

6. Field inspection reports of all connections in the building were sought and the Discom submitted following four inspection reports relating to the connections released in the building No. A-235:

- (a) CA No. 152375023: Inspection report dated 12.12.2017- building consisting of Basement + Ground Floor + Five Floors and the height of the building is shown as less than 15 meters and connection was released.
- (b) CA No. 152203510: Inspection report dated 21.05.2017 – building consisting of Basement + Ground Floor + Five Floors and the height of the building shown as less than 15 meters and connection was released.
- (c) CA No. 153513500: Inspection report dated 06.08.2021 – building consisting of basement used as Parking, Ground Floor Shops, Upper Ground Floor Shops, First, Second, Third, Fourth and Fifth Floor and, the building height is shown as 19.05 Meter. How connection was granted without fire clearance?
- (d) CA No. 154426187: Connection was released on CGRF-BRPL's order.

The site inspection report at (a) & (b) mentioned above, lack credibility as how can buildings having ground plus five floors be less than 15 meters height. In site inspection report at (c) mentioned above, clearly shows that height to be 19.5 meters. It is not clear, how connections were released without fire clearance, which is in contravention to the Sixth Amendment of DERC's order of dated 15.04.2021.



7. The appeal was admitted and fixed for hearing on 04.12.2024. During the hearing, the Appellant was present along with Shri Manoj Kumar, Advocate 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. Relevant questions were also asked by the Ombudsman as well as the Advisors present.

8. During the hearing, the Advocate for the Appellant reiterated his contention as in the appeal. The Advocate submitted that the colony is unauthorized and his prayer for release of electricity connection be considered since all other premises in the building have electricity connections, particularly, taking into account that the electricity is a basic right. Advisor (Law) raised a query about the need for compliance with the decision dated 20.12.2017 of Delhi High Court in Parivartan Case, enjoining upon the Discom to take appropriate action where connections stand released on unauthorized construction. Further, attention was invited to the decision dated 06.02.2020 whereby Delhi High Court observed that the Court cannot be a party to a continuing wrong. The Advocate had no submissions to make for rebuttal of the settled Law.

9. In rebuttal, the Advocate for the Respondent contended that pursuant to the direction of the CGRF, 26 notices were served for the Fire Department's 'NOC' for all the occupants of the various portions of subject property. The Respondent was not in a position to inform the present status on the action of disconnection / compliance with the Fire Department's 'NOC' by the individuals,

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

- (i) It is not dispute that the building has basement + Ground Floor + six floors with shops on ground floor and upper ground floor and falls in the category of high rise building (other than residential).
- (ii) In terms of Rule 27(2) of Delhi Fire Service Rules, such building is likely to cause risk of fire (being more than 15 meters) and under Rule 35, Fire Safety Clearance Certificate is required. 'NOC' is required for the whole building and not for an individual consumer.
- (iii) Guidelines dated 15.04.2021 (6<sup>th</sup> Amendment) order of DERC deals with release of electricity connections in Residential Buildings. These guidelines exempting dwelling units cannot ipso facto apply to mix-use buildings or unauthorized constructions.
- (iv) The Fire Department was emphatic during the meeting held on 16.06.2023, in DERC that building other than residential and with height



exceeding fifteen (15) meters pose greater risk due to a large number of occupants and the presence of more inflammable material, hence, fire clearance certificate was required before releasing the connection.


- (v) The Delhi High Court in Parivartan Case WP(C)/11236/2017 has taken note of need for safety and requirement of FCC/NOC in high rise buildings more than 15 meters.
- (vi) Discom has already issued notices to all the 26 consumers to submit 'NOC' from the concerned authority within fifteen days, else their connections may be disconnected. The outcome of the notices issued is awaited.

11. After considering all factors, written submissions, and arguments, the court directs as follows:

- (a) The orders dated 13.08.2024 passed by the CGRF-BRPL are upheld.
- (b) The existing 26 consumers provided with electricity connections must obtain an NOC from the Fire Department for the whole building.
- (c) Upon receipt of the NOC, the Discom may process the Appellant's request for a new connection within a week, subject to completion of commercial formalities.
- (d) A vigilance inquiry must be conducted to take necessary action against officials responsible for releasing connections in contravention to DERC rules and regulations.

12. The order of settlement of grievance in the appeal must be complied with within fifteen (15) days of receipt of the certified copy or from the date it is uploaded on the court's website, whichever is earlier. The parties are informed that the Order of Settlement of Grievance raised in the appeal is final and binding.

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
05.12.2024