

**OFFICE OF 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**

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**Appeal No. 34/2024**

(Against the CGRF-BRPL's Order dated 27.06.2024 & 19.09.2024 in  
CG - 24/2024 & Review Application, respectively)

**IN THE MATTER OF**

**Shri S P Katyal**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

Appellant: Shri S.P. Katyal, in person.

Respondent: Shri Manish Kumar, DGM, Shri Sudarshan Bhattacharjee,  
Senior Manager and Shri Himanshu, Advocate, on behalf of the  
BSES-BRPL

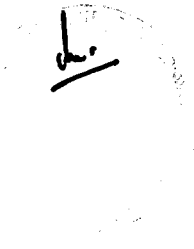
Date of Hearing: 18.12.2024

Date of Order: 23.12.2024

**ORDER**

1. Appeal No. 34/2024, filed by Shri S.P. Katyal, pertains to the Consumer Grievance Redressal Forum – Rajdhani Power Limited's (CGRF-BRPL) order dated 27.06.2024 in CG - 24/2024.

2. The Appellant had applied for a new electricity connection with a load of 5 KW at A-346/1, Flat No. E-1, Fourth Floor, The Retreat, Chattarpur Enclave Phase – II, New Delhi - 110074, through Application No. 8006716973 and 8006846826 on 28.12.2023 & 14.03.2024, respectively. However, the Discom denied the connection, citing the building's height exceeds 15 meters, necessitating a 'No Objection Certificate' (NOC) from the Fire Department. The Appellant contended that the building has stilt parking and is similar in pattern and configuration to the adjacent building, A-346. Both buildings have shops and were constructed by the same builder/developer. The Discom had previously released connections for units on the fourth floor of A-346 and for shops within the building.



The Discom issued a deficiency letter on 01.02.2024 on his application noxxxx6973, stating that the site visit was incomplete due to the premises being locked. The second application No 8006846826 too, was rejected due to several requirements, including the lack of an ELCB Bill and Wire Test Report, and the need for a 'NOC' from the Fire Department.

The CGRF, in its order dated 27.06.2024, considered that in the present scenario the building has no stilt parking, as such, the complainant is to comply with the provisions of applicable regulations and would require to submit a 'NOC/Fire Clearance' from the Delhi Fire Service for release of the applied connection and directed the Discom to release the connection subject to the completion of commercial formalities by the complainant and submission of 'NOC/Fire Clearance' from the Delhi Fire Service due to the building's height exceeding the permissible limit.

3. The Appellant filed a review petition, submitting photographs showing the building's parking structure in the Stilt area. The Appellant argued that the building has stilt parking and that the Discom had released connections for other buildings with similar structures without requiring a 'NOC' from the Delhi Fire Service.

The Discom responded that the building was considered to have stilt parking when connections were released in 2022. However, the current status of the building, with two shops on the ground floor, means it no longer meets the stilt parking criteria.

The Forum dismissed the review petition vide its order dated 19.09.2024, as devoid of merit.

4. Dissatisfied by the order passed by the CGRF-BRPL on 27.06.2024, the Appellant has preferred this appeal and reiterated its submissions as before the Forum. The Appellant questions the basis on which the Discom released number of connections on the fourth floor of building in question as well as in other buildings. The Appellant has prayed for release of a electricity connection applied for at the fourth floor without obtaining 'NOC' from Delhi Fire Service, similar to what has been given to other consumers and compensation on account of harassment.

5. The Discom in its response dated 15.10.2024, relied upon the notification issued following the meeting held on 16.06.2023 in DERC with respect of residential buildings. With regard to the Appellant's claim on stilt parking, the Discom has submitted that there are two shops operating on the ground floor of the building, leading to the conclusion that the parking area will be considered as non-existent and considered as part of the ground floor of the building. As a result for a residential building without stilt parking and more than 15 meters height, 'NOC' from DFS would be required. Additionally, the



Discom referred to a notice dated 21.01.2016 from MCD related to unauthorized construction at stilt to first floor.

6. During the hearing on 18.12.2024, the Appellant was present, in person 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.

7. The Appellant reiterated his submissions as stated before the CGRF as well as in the appeal. In response to a query, the Appellant submitted that due to medical issues of his wife, he had purchased the flat of fourth floor, which has spacious courtyard. The CGRF gave him partial relief by waiving the requirement for a 'No Objection Certificate (NOC)' from the MCD but mandates to submit a 'NOC' from the Delhi Fire Service (DFS) due to building height being beyond permissible limit of 17.5 meters. The Appellant argued that out of two shops existed in the stilt parking, only one is in operational and is using electricity without a commercial meter. The Appellant has submitted photographs of the building clearly showing availability of stilt for parking of cars/scooters etc.. It is an admitted fact that 21 connections were released in the subject building on the basis of stilt parking while he has been denied. He reiterated his stand on releasing various connections by the Respondent especially in the building no. A-143, A-145, A-217, where height issue exists on the fourth floor, however, 'NOC' of Delhi Fire Service was demanded only from him. He further asserted that the height of the applied floor is less than 17.5 meters. The Appellant also conveyed that he would submit empanelled architect's certificate in this regard.

8. In rebuttal, the Respondent reiterated its statement made in the written submission. When questioned about the existence of two shops in the stilt parking of the subject building while releasing of connections, the Respondent submitted that at the time of releasing alleged connections in 2022, as per site sketch, no shops existed, therefore, the building was considered with stilt parking. However, the current status of the building (G+5), having two shops assuming to be constructed later, has lost the stilt parking criteria. The Respondent could not confirm, whether the alleged two shops are supplied electricity through separate connections or not. With respect to numerous connections existing in the adjacent building, the Respondent submitted that the same were also released after considering the stilt parking criteria and possibility of four shops getting constructed later. Further, the Respondent could not reply satisfactorily whether any action has been taken against such four shops in the stilt parking in the adjacent building.



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

- (i) The Appellant did accept the existence of two structures out of which one is in operational and has no authorized electric connection. However, supply is running from unknown source.
- (ii) Appellant's claim of availability of stilt parking is supported by photographs showing parked cars and scooters, therein.
- (iii) There are shops in the many buildings in the neighborhood, which are made out of stilt area and are running electricity from other meters.
- (iv) His assertion that the height of the applied floor is less than 17.5 meters and is willing to submit empanelled architect's certificate in this regard.
- (v) The wider issue of discrimination, arbitrariness and non compliance with laid down guidelines and how connections were given in buildings mentioned in appeal, requires a detailed probe by the CEO of the Discom, for fixing responsibility.

10. In the light of the above, this court directs as under:

- (a) The appellant is directed to submit Empanelled Architect's Certificate regarding the height of subject building. In case the certificate shows height to be less than/equal to 17.5 meters, the connection as applied for by the Appellant be released.
- (b) CEO of the Discom is directed to get a vigilance enquiry conducted to ascertain the circumstances under which the connections were released for structures above 17.5 meters height without fire clearance (some addresses mentioned in the Appellant's complaint/appeal).
- (c) During the course of hearing, it has come to notice that some shops get built up by the builder unauthorizedly after taking advantage (height etc.) of stilt parking norms. It may be ensured that the shops constructed in the stilts are not given connections including this building, and in case the shops are using energy from other sources, action be initiated under relevant section of electricity act for unauthorized use of electricity.




(d) It is open for the Discom/Appellant to lodge a complaint with MCD for the acts as mentioned in point(c) above.

(e) Action taken be reported within four weeks.

11. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that the Order of Settlement of Grievance raised in the appeal is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
23.12.2024