

**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)

**Appeal No. 41/2021**

(Against the CGRF-BRPL's order dated 18.10.2021 in CG. No. 97/2021)

**IN THE MATTER OF**

**Smt. Pushpa**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

**Appellant:** Shri Vijay Gupta, Advocate and Shri Sanjeev Kumar,  
Cousin of Smt. Pushpa, the Appellant

**Respondent:** Shri S. Bhattacharjee, Sr. Mgr., Shri Rajesh Yadav,  
DGM, Shri Rajesh Kumar, Sr. AAO, Shri Rakesh Pandey,  
Sr. Acct. and Shri Deepak Pathak, Advocate, on behalf of BRPL

**Date of Hearing:** 21.03.2022

**Date of Order:** 23.03.2022

**ORDER**

1. The Appeal No. 41/2021 has been filed by Smt. Pushpa, R/o G-93, Gali No. 14, Rajapuri, Uttam Nagar, Delhi - 110059, through her son Shri Sunil Bisht, against the order of the Forum (CGRF-BRPL) dated 18.10.2021 passed in CG No. 97/2021.

2. The issue concerned in the Appellant's grievance is regarding the non-release of new non-domestic electricity connection by the Discom (Respondent) at her shop No. 3, Plot No. 36, Khasra No. 105/2, Block-G, Vishwas Park, Uttam



Nagar, Delhi - 110059. The Respondent has rejected her application mainly on account of the fact that the height of the building is more than 15 meters.

3. The Appellant subsequently approached CGRF and requested to direct the Respondent to release a non-domestic connection for her shop as cited above in para 1 supra. Further, the Appellant stated vide her letter dated 21.08.2021 that few domestic connections bearing CA Nos. xxxx4544, xxxx7320, xxxx7322, xxxx7321 and xxxx7389 in the same building were also released before 6<sup>th</sup> Amendment of Delhi Electricity Regulatory Commission (DERC) dated 15.04.2021.

4. The Respondent in response replied that the Appellant applied for a non-domestic connection for a shop at Ground Floor. The premises is consisting of Parking, Upper Ground Floor, First Floor, Second Floor and Third Floor. The height of the building is more than 15 meters i.e. 15.78 meters. They further stated that as per latest DERC's order (6<sup>th</sup> Amendment) dated 15.04.2021, Clause 4(1)(i) - the electricity connection in the dwelling units could be released if the units are within the height of 15 mtrs. without stilt parking and within the height of 17.5 mtrs. with stilt parking of the building, without insisting for 'NOC' from Fire Department. Respondent further contended that above listed DERC order does not cover non-domestic (commercial) connection and the rules have been amended to cover only dwelling units in residential building. As the connection applied by the Appellant is non-domestic and hence was declined.

In response to the query of Appellant that few electricity connections were released in the building before DERC's 6<sup>th</sup> Amendment dated 15.04.2021, the Respondent stated that the same were released in accordance with the DERC's order dated 31.05.2019 - "Height: Maximum height of the building shall be 15 mtrs. in plots without stilt parking and 17.5 in plots with still parking. Such residential building shall not be considered as high rise building. For purpose of fire and life safety requirements, clearance of Fire Department will be obtained by the individual plot owners". As these connections were energized in the months of July and August, 2020, the above rules were applied and hence connections were released without 'No Objection Certificate' (NOC) from Fire Department.



5. After considering all the facts, the CGRF had stated that the Appellant is seeking new commercial connection for shop on the ground floor, which is not part of a dwelling unit and domestic connection cannot be released for the shop. As per amended order dated 15.04.2021, the connection can be given to only dwelling units, if the height is less than 15 mtrs. without stilt parking and less than 17.5 mtrs with stilt parking, hence, the same could not be released as per the DERC guidelines. The Appellant needs to fulfill the requirements as per extant rules for release of new connection.

6. Being aggrieved by the rejection of her complaint by the CGRF, she has filed an appeal before this Forum requesting for release of new electricity connection (non-domestic) against Service Order No.8004495854 dated 14.08.2020 &/or 8004983368 dated 07.07.2021. She has also stated that the CGRF had closed the case without providing her sufficient opportunity and many facts are also not considered during announcing the order.

7. On the basis of appeal, date of hearing was fixed on 21.03.2022. On this date, the Appellant was represented by Shri Sanjeev Kumar, Authorized Representative alongwith Shri Vijay Gupta, Advocate and Respondent was represented by Shri Rajesh Yadav, DGM, Shri Rajesh Kumar, Sr. AAO, Shri Rakesh Pandey, Sr. Acct. and Shri Deepak Pathak, Advocate. During the hearing, relevant questions were asked and queries were raised by the Advisors as well as Ombudsman. Certain clarifications were also sought to completely understand the issue in question.

8. From the above deliberations, the issue that emerges is whether a new non-domestic connection could be released to the Appellant or not and whether the actions on the part of Respondent were as per the mandate given by the DERC.

9. This Forum would first go into the action/s taken by the Respondent and examine in the light of mandate given by DERC. After going through the e-mails exchanges between the Appellant and Respondent, the visit of the officials of Respondent, inspection etc., this Forum is of considered opinion that:



- i. The Respondents are not responsive to the e-mails and there was a delay in responding appropriately.
- ii. There is definite lack of coordination amongst various Departments of the Respondent which, at times, leads to confusion and adversely affects delivery of service.
- iii. There is a certain lack of transparency in the functioning. The Appellant/consumer is not given the right advice/suggestion/decision. There is no explanatory paragraph elaborating reasons for taking a particular action/decision while quoting relevant rules. This lack of transparency often leads to dissatisfaction of the consumer. In this particular case, it has taken about one year for the Respondent to take a decision in the matter. The Appellant had to knock various doors at different intervals to get the decision.

From the above discussion, this Forum considers the above as deficiency in services and is inclined to give compensation to the tune of Rs.10,000/- to the Appellant. This is provided for in para 11(1)(v) of DERC (Supply Code and Performance Standards) Regulation, 2017.

“In case the Licensee fails to intimate the applicant about any Deficiencies in his application on the spot or within the stipulated 2 (two) days in case of online application, as the case may be, the application shall be deemed to have been accepted by the Licensee on the date of receipt of the application”.

The Respondent is required to pay the compensation within the prescribed time frame.

It is also desired by this Forum that an internal enquiry be conducted so that the insensitive officers are identified and suitable administrative action initiated against them. This action so initiated should act as an example for others.






10. With regard to the issue whether the Appellant should get the non-domestic connection for her shop situated at the ground floor of a high rise building which is more than 15 meters height (15.78 meters). As per the Schedule of Charges and the procedure under DERC (Supply Code and Performance Standards) Regulations 2017 and DERC's letter No. F.17 (85)/Engg./DERC/2016-17/ 5403/487 dated 31.05.2019 electricity connection must not be given to high rise buildings without NOC from Fire Department. The high rise buildings were defined as those building which were higher than 15 meters (without stilt parking) and higher than 17.5 meter (with stilt parking). This was introduced to safeguard the lives and properties of the residents of the high rise building. 'NOC' from the Fire Department would only be given once all the fire fighting equipments which includes water storage, pipes, alarms etc. are in place. These regulations brought lot of hardship to the buyers of properties in such high rise buildings, they were not getting connections for want of NOC from Fire Department. Subsequent to this, DERC brought in amendment dated 15.04.2021, whereby it was decided to release the electricity connections upto the height of 15 meters (in case no stilt parking) and 17.5 meters (in case of stilt parking). Yet this amendment and the earlier DERC (Supply Code and Performance Standards) Regulations 2017, were meant for residential plots and for dwelling units. It means that commercial connections in such high rise buildings would not be given.

11. In view of the above, I am of the considered opinion that the Appellant is not eligible for a non-domestic electricity connection and see no reason to interfere in the decision of CGRF.

12. The case is disposed off accordingly.

  
(P. K. Bhardwaj)  
Electricity Ombudsman  
23.03.2022