

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

(Phone No.: 011-26144979)

Appeal No. 43/2023

(Against the CGRF-BYPL's order dated 01.09.2023 in Complaint No. 205/2023)

IN THE MATTER OF

Shri S K Shafiqua Islam

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Vinod Kumar, Advocate, and Shri Samim on behalf of the Appellant

Respondent: Shri Vipin Kumar, DGM, Shri Ravi Chaurasiya, Ms. Shweta Chaudhary, Legal Retainer and Ms. Ritu Gupta, Advocate, on behalf of BYPL -

Date of Hearing: 27.12.2023

Date of Order: 28.12.2023

ORDER

1. Appeal No. 43/2023 dated 05.10.2023 has been filed by Shri S K Shafiqua Islam, R/o 3155/33, Beadonpura, Karol Bagh, Delhi – 110005, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 01.09.2023 in CG No. 205/2023.

2. The instant case is that the Appellant, Shri S K Shafiqua Islam, applied for a new connection vide Request No. 8006238141 at the above mentioned premises, which was rejected by the Discom on the ground that building, in nature, is commercial and having more than 15 meters height. Therefore, 'No Objection Certificate' (NOC) is required from the Fire Department. Subsequently, Appellant approached CGRF with a complaint that he had been denied electricity connection on the ground of height, whereas all the



floors of the building are having electricity connections. Hence, prayed to the Forum to direct Discom to release the electricity connection on the first floor of the building, as electricity being necessity of life and in the interest of justice.

However, the Discom's submission that the building consists of five floors plus room on the top, thus making it more than 15 meters height and it is a commercial building. The electricity connections already existing in the building had been released prior to November, 2018. As the building had a height of more than 15 meters, Clause 36 of Central Electricity Authority (CEA) (Measures Relating to Safety and Electric Supply) Regulations, 2010, was attracted.

3. The CGRF-BYPL, in its order dated 01.09.2023 stated that since the building where complainant applied for new connection consists of ground to fifth floor plus one room on the top, is commercial in nature and, all floors of the building are having commercial connections, therefore, the complainant has to submit either NOC or BCC from the concerned authorities. The CGRF rejected his complaint.

4. Not satisfied with the order dated 01.09.2023 passed by the Forum, the Appellant preferred this appeal and submitted that one meter (CA No. 100623108) existed in the premises, which was disconnected in 2020 due to non-payment of the bills two years back during the Covid-19 period. The Appellant also claimed that various dormant connections in Laxmi Nagar Division were duly restored by the Discom whereas he has been denied the restoration. In this regard, the Appellant also submitted a list of dormant connections restored in other areas along with his appeal. The Appellant has requested, to either restore his dormant connection bearing CA No. 100623108 or release the new connection for the first floor as he is facing difficulties without electricity.

5. In rebuttal, the Respondent in their written submission dated 02.11.2023 to the appeal reiterated its stand as before the Forum. In addition, the Discom submitted that as per Regulation-54 "Reconnection" and Regulation- 19 "Termination of Agreement", of DERC's Supply Code, 2017, can only take place on completion of all commercial formalities. The Respondent further submitted that all the dormant connections as mentioned in the list provided by the Appellant, were restored only on completion of formalities afresh or were only cases of name change.

6. The appeal was admitted and taken up for hearing on 27.12.2023. During the hearing, the Appellant and the Respondent were represented by their authorized representatives/Counsels. An opportunity was given to both to plead their respective cases at length.



7. During the hearing, Shri Vinod Kumar, Counsel of the Appellant admitted that the height of the building is more than 15 meters. In his support, the Appellant referred to an order dated 25.11.2022 passed by the Ombudsman in the case of Shri Ajay Mendiratta & Shri Sanjay Mendiratta in Appeal No. 19/2022 & 20/2022 vs BSES-Yamuna Power Ltd., wherein conflicting version on height was examined. The Appellant was informed that in the light of an assessment of height below 15 meters in that case, the appeal stood withdrawn. The case was not therefore relevant to the issue in the present case.


8. The Respondent reiterated their stand as submitted in its written submission before this Court.

9. It is apparent from the record that the premises where connection has been applied is a commercial building and is more than 15 meters in height. The requirement of Regulation 36 of CEA (Measures Relating to Safety and Electric Supply) Regulations, 2010 needs to be satisfied and fire clearance, MCD's NOC or BCC is required, in terms of Clause 7(2) of DERC (Supply Code and Performance Standards) Regulations, 2017.

Further, six connections in the premises at 3155, Beadon Pura, Karol Bagh (building height more than 15 meters and with Ground plus five floors) were all released during 1999, 2000, 2005 or 2007, prior to the Regulations of 2010 and 2017, and have no bearing on the present case.

10. Having taken all factors, written submissions and arguments into consideration, I am of considered opinion that there is no merit in the appeal. The order passed by the CGRF is upheld. It is open to the Appellant to obtain fire clearance certificate and submit the same to the Discom, for release of the new connection after completion of commercial formalities.

The appeal is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
28.12.2023