

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. 61/2024

(Against the CGRF-BRPL's order dated 11.12.2024 in CG No. 112/2024)

IN THE MATTER OF

Shri Rajesh Lohia

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Rajesh Lohia, in person

Respondent: Shri Sudarshan Bhattacharjee, Shri Amresh Kumar, Senior Managers and Shri Himanshu, Advocate, on behalf of BSES-BRPL

Date of Hearing: 09.04.2025

Date of Order: 11.04.2025

ORDER

1. Appeal No. 61/2024 has been filed by Shri Rajesh Lohia, C/o E-47, Shop No. - 11, Ground Floor, Khasra No. 874/1, Chattarpur Extension, New Delhi - 110074, against the Consumer Grievance Redressal Forum – Rajdhani Power Limited (CGRF-BRPL)'s order dated 11.12.2024 in CG No. 112/2024.

2. The background of the case is that the Appellant had applied for a new electricity connection vide Order No. ONSKT1110241873 on 11.10.2024 and again vide Order No.: ONSKT1610241176 on 16.10.2024 at the above cited address. On 15.10.2024, the Discom informed the Appellant through an e-mail that they could process with his application only after removal of deficiencies, viz; requirement of all pages of the back chain of ownership documents and to re-apply for the connection with exact and complete address including House Number and Khasra Number. In his response, the Appellant asserted that he had provided the exact address as mentioned in his General Power of Attorney (GPA) as well as front and back sides of his property document, as



provided by the previous owner. The Appellant also submitted a copy of certificate and receipt issued by the Residential Welfare Association on account of subscription/donation towards membership, and conveyed that he did not have any documents in respect of back chain of property, in question. Subsequently, the Appellant filed a complaint before the Forum through an e-mail dated 16.10.2024 and later in writing on 11.11.2024. He claimed that the Discom had not released the connection treating the building as "other than residential". Since the connection applied is for a "shop" and the building consists of ground plus five floors, a 'NOC' from Fire Department/MCD was required for processing his application. The Appellant requested the Forum to direct the Discom to release the applied connection, as there are already connections existing within the same building.

To substantiate his claim, the Appellant provided copy of GPA in his favour executed on 24.02.2024 by the previous owner (Shri Padam Singh Khatana) in respect of Shop No.11 (where connection was sought) along with receipt of Rs.400/- issued by the Residents Welfare Association, Chattarpur Extension vide Receipt No. 101 dated 20.02.2024, on account of his subscription of membership/donation.

3. The submission by the Discom before the CGRF was that during the site visit it was observed that the building consists of a Basement + Ground Floor + Upper Ground Floor + First to Fourth Floor, therefore, totalling five floors above the ground floor. Consequently, building structure stands as Basement + Ground + Five Floors. There are fourteen shops on ground floor, which make the building categorized under "Other Than Residential" building. Since the connection applied for a shop, an "NOC" from Fire Department is required for processing the application, taking into account the total height of the building.

4. The CGRF-BRPL, in its order dated 11.12.2024 relied upon the Minutes of a meeting at the Commission on 16.06.2023, wherein it was held that "*in case of the residential buildings, for release of electricity connections the Distribution Licensee shall not insist for Fire Clearance Certificate for residential building having height of up to 15 meters without stilt parking and upto 17.5 meters with stilt parking*". The applied building in question consists of both residential and non-residential units, having 14 shops. The contention of the Respondent is un rebutted that the applied building consisting of ground + five floors and will be treated as a building having height more than 15 meters. When the applied building is categorized, as a building "other than residential" having a height of more than 15 meters, a 'NOC' from the Fire Department will be necessary. The Forum, therefore, declined the request of the appellant for release of the connection without obtaining a 'NOC' from the Fire Department and completion of all commercial formalities.



5. The Appellant, dissatisfied by the order dated 11.12.2024, passed by CGRF-BRPL, has filed this appeal. He has contended that the Forum has rejected his complaint for release of a electricity connection based on the Discom's site visit report which states that the building where connection is applied for consists of ground floor + five floors and exceeds a height of 15 meters, and, therefore asked for 'NOC' from the Fire Department. Whereas, the subject building consists of a ground floor + four floors with a height below 15 meters. Moreover, the Discom had released electricity connections to all other residents/shops in the building, except him. The Appellant requested for the release of electricity connection without the demand of a certificate from the Fire Department.

6. The Discom, in its written submission dated 15.01.2025 to appeal, reiterated the facts placed before the CGRF-BRPL. In addition, the Discom relied upon the minutes of the meeting held at DERC on 16.06.2023, which was attended by various departments, viz; MCD, DDA, Fire Department and Discoms, as elaborated in para 4 above, and submitted that mixed-use building is categorized as "other than residential building, therefore, a 'NOC' from the Fire Department is required.

Regarding multiple connections installed/released to other occupants in both residential and non-residential areas, the Discom submitted that the same were released at the time when a building structure was ground plus four floors, which changed to ground plus five floors over a period of time.

7. The appeal was admitted and fixed for hearing on 09.04.2025. During the hearing, the Appellant was present, in person, and the Respondent was represented by their authorized representatives/advocate. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

8. During the course of hearing, the Appellant reiterated his grievance with prayer for release of electricity connection at his shop on the ground floor. During the hearing, it was informed that 25 electricity connections were released in the premises from LGF, UGF, FF, SF & TF. Out of which 2 connections were granted for non-domestic category and 23 for domestic category during 2013 to 2016. There was no clarity on the number of connections released from 2016 onwards, when the Appellant had taken possession of the shop and since then had been consistently applying for release of a connection but all in vain

9. In rebuttal, the Advocate appearing for the Respondent reiterated its written submission as in the appeal. Advocate submitted that since the height of the building was more than 15 meters, Fire NOC was required for release of connection, in view of the DERC MoM dated 16.06.2023. The officer present was not able to explain as to whether any action has been taken in respect of other connections where the height of



building is known to be more than 15 meters and beyond permissible limits, requiring compliance with the fire safety norms for the entire building. The directions in the minutes of the meeting held in DERC during June, 2023, cannot be ignored but require implementation with sincerity by all concerned.

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

- a) There is no document on record to substantiate actual height of the building. Either height measured by Discom officials or MCD's approved Architect Certificate could form basis to prove the actual height. As regards ownership, there is no document on record, except GPA which does not transfer ownership. No letter of possession, sale for consideration, agreement, etc. is available on record.
- b) The address does not fall on mixed-use land as per Master Plan 2021. Both the Appellant and the Respondent are of different version on total floor existing in the building. As of today, the building has construction upto fifth floor, which is not in dispute. This raises a presumption on the total height being more than 15 meters, and, therefore, necessitates fire clearance certificate.
- c) While on the one hand, there are 1731 unauthorized colonies in Delhi, recent media reports indicate that during the period 01.01.2015 to 17.03.2025, MCD registered 76,465 cases of illegal constructions, but enforcement action was taken in only 35,842 cases (about 47%). There is a blatant disregard to the dictum both by the Supreme Court in Supertech Ltd. vs. Emerald Court Owners Association in 2021 as well as Delhi High Court in Parivartan Case in 2017. There is unabated unauthorized construction in Delhi and similarly there are reports of lack of fire infrastructure in the buildings consequent risk. This has led to increase in fire incidents and resulted death and demolition.


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

- (i) The order passed by the CGRF-BRPL is upheld.
- (ii) Total shops reported are 14 in number on ground floor, while as per bills submitted only two connections bearing CA No. 150920404 and 150900560 are for non-domestic category. Source of supply/K Nos. be identified from where 12 shops are getting supply and for tariff violation action should be taken



- (iii) Since the height of the building is more than 15 meters, all residents may be issued appropriate notices for fire clearance certificate. Upon receipt of the fire clearance certificate, the Appellant be also provided with the applied for connection, subject to completion of commercial formalities.
- (iv) In view of various fire accidents that occur in Delhi and the resultant damage, devastation and deaths, it is time for a conscious and meticulous consideration for compliance with safety norms, specially for high rise buildings. CEO of the Discom may consider taking up the matter with the civic agencies for proper enforcement of law and related action in various Districts of Delhi for installation of fire fighting infrastructure /equipments in buildings, which are more than 15 meters(17.5 meters with stilt parking)
12. 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 this order 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
11.04.2025