

**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. 08/2020**

(Against the CGRF-BRPL's order dated 29.11.2019 in CG No. 57/2019)

**IN THE MATTER OF**

**SHRI RAJESH BANSAL**

**Vs.**

**BSES RAJDHANI POWER LTD.**

**Present:**

Appellant : Shri D.K. Sharma, Advocate on behalf of the Appellant.

Respondent: Shri Manish Kumar, Senior Manager and  
Shri Deepak Pathak, Advocate, on behalf of BRPL

Date of Hearing: 03.09.2020

Date of Order: 14.09.2020

**ORDER**

1. The appeal No. 8/2020 has been filed by Shri Rajesh Bansal, through his advocate Shri D.K. Sharma & Associates, against the order of the Forum (CGRF-BRPL) dated 29.11.2019 passed in Complaint No. CG- 57/2019. The issue concerned in the Appellant's grievance is regarding non-release of new electricity connections by the Discom (Respondent) in respect of his property bearing House No. 130 A, Aliganj, Kotla Mubarakpur, New Delhi-110003 mainly on account of the fact that the height of the building is more than 15 meters.

2. In the instant appeal, the Appellant has stated that his property measuring 130 Sq. Yards is a very old construction consisting of basement, stilt parking, ground, first, second and third floor respectively. He applied for eight new electricity connections

for his first, second and third floors initially on 27.04.2019 and then again on 18.06.2019. On both the occasions the said applications were illegally rejected by Discom on 02.05.2019 and 25.06.2019 respectively on account of unauthorized construction, MCD clearance required and building height more than 15 meters. He further stated that there was no booking of any illegal construction on the building as per the letter dated 29.05.2019 issued by SMDC and Discom had illegally held his case for release of electricity connections on this pretext. He then approached Discom authorities through various written communications and also by visiting them personally for release of the said connections but they did not accept his request for release of new electricity connections on the said premises. However, it is pertinent to mention here that Discom did not bother to reply his various letters written in this regards and verbally communicated to him that the connections can be released only after the production of NOC from SDMC.

After a lot of persuasion with Discom authorities, when the connections were not released by them he was forced to file the complaint with the Forum for redressal of his grievance. After hearing the arguments, the Forum dismissed his complaint on the grounds that the Appellant is unable to fulfill the condition as prescribed under the law and in the absence of the fire clearance certificate connections cannot be released. Being aggrieved by the rejection of his complaint by the Forum, he has preferred the present appeal on the grounds that the Forum has not considered the fact that some electricity connections are already existing on the said premises upto third floor and Discom has failed to submit the actual dimensions and parameters of the said building on account of which the connections have been denied to him. Secondly, the Forum has failed to consider that the officials of Discom are not authorized for measurement of various heights of the building and the actual site report of the premises has not been submitted by them. In addition to above, the material fact that inspite of very old construction he has also constructed a 6 meter wide ramp as per the bye-laws, has also been ignored by the Forum in deciding his case.

3. In support of his argument for release of new electricity connections, the Appellant has also referred to the order of Ministry of Power, Govt. of NCT of Delhi dated 22.11.2016, directing the Discoms to immediately provide connections on demand irrespective of the fact whether the colonies are authorized or not. Further, the Appellant has also cited the order of Hon'ble High Court of Delhi, wherein it was observed that the electricity is an essential requirement of the life, without which any person in occupation cannot enjoy the property. During the hearing, the Appellant



argued that as per the joint inspection report carried out on 03.10.2019, Discom raised certain observations regarding the front portion facing the roads vide their letter dated 19.11.2019 according to which the front portion should be free from any constructive structure except columns supporting the building with proper land scaping having motorable ramp of adequate width as required under the building bye-laws for stilt parking. Discom also agreed to provide the electricity connections if the Appellant comply with the above points as per the guidelines of DERC and building bye-laws. The Appellant submitted that he has complied with all the requirements but for removal of pillars, which cannot be removed as the whole structure of the building will collapse in case the same are removed. In view of above, the Appellant finally concluded with the argument that he has complied with all the requirements of building bye-laws by way of making the entry area of stilt parking except removal of pillars, pertaining to a building consisting of stilt parking having more than 15 meters height. In order to reveal the present situation at the site, he submitted some photographs of the parking and ramp etc. which were taken on record.

In the background of the above, the Appellant prayed to set-aside the order of the Forum and direct the Discom to release the new electricity connections on the said premises.

4. The Discom in its reply has submitted that on receiving the requests for new connections on the building, the site was visited by them. It was found that the height of the building is more than 15 meters, accordingly the applications for new electricity connections were rejected due to non existence of proper stilt parking as per the building bye-laws and building height being more than 15 meters. Discom further stated that as per the present status, the electricity connections cannot be released since the building in question is more than 15 meters in height which required 'Fire Clearance Certificate' from the Fire Department as mandated under the law for the buildings having height more than 15 meters. Discom also submitted that the Forum got the height of building inspected jointly and came to the conclusion that it does not have a stilt parking as per building bye-laws and the criteria laid down for entrance of the building which is 6 meters as per the law, has also not been met with. As such, the Forum decided that the electricity connections cannot be granted without production of 'Fire Clearance Certificate'.

Discom further submitted that a joint inspection was conducted in the presence of the representative of the Appellant. The height was found to be 15.90 meter, which is more than 15 meter and accordingly the Forum came to the conclusion that it shall



risk the public at large if the connection is granted to such building without insistence of Fire Certificate. It is pertinent to mention here that though the total Building height is more than 15 meters and less than 17.5 meters but the said parking floor does not fulfill the criteria of stilt parking as provided under Clause 7.15.1 of Unified Building Bye-Laws of Delhi (UBBL). From the Joint Inspection Report it can also be observed that not only the stilt parking is not in accordance with the law but also the entrance of the building is not as per provisions of law. The parking of the building starts at a height of 4'7" (4 feet 7 inches) from the ground level and it does not comply with the provisions of 7.15.1 of UBBL, 2016, so as to take the benefit of height under this provision for measurement of the height. Discom also submitted that the definition of stilt parking given in the bye-laws and reproduced as under clearly shows that the so called ground floor of the building cannot be termed as stilt parking. The definition of 'stilt' as given in the UBBL is reproduced as under:

***Stilt:*** *Stilt or stilt floor means non habitable portion of a building above ground level consisting of structural columns supporting the super structure with at least two sides open for the purpose of parking cars, scooters, cycles and landscaping."*

Discom also argued that from the photographs submitted it can be clearly observed that no vehicles can be parked in the so called stilt floor. The ground floor which is being stated to be a stilt parking by the Appellant does not fulfill the provisions of parking in stilts and means of access as per the provisions mentioned under Clause 7.15. and 8.2 respectively of the UBBL.

5. Discom also stated that the Appellant is having no fire clearance certificate which entitles him to the electricity connections in four storey building including basement for which 8 (eight) applications for electricity connections were made. Further, the Appellant had not made any efforts and taken pain to obtain the 'Fire Clearance Certificate' which would have entitled him the connections conveniently and as such it is apparent that the property is situated at such a place where 'Fire Clearance Certificate' would not be granted because of the access or safety reasons and therefore it becomes more important to examine the matter before passing any direction with regards to the installation of electricity connections which involves serious repercussions to the life and property of the public at large.

Discom also submitted that the issue of height is very important and critical in view of the safety of life and property of the public at large as any overlooking/relaxation of the same would lead to a catastrophe as happened in recent cases in Delhi. The measurement of the various heights and entrance area of the

building, therefore, is a serious issue which has to be strictly adhered to in accordance with the provisions of the building bye-laws as applicable. The stilt parking and entrance of the building is not in accordance with the bye-laws as is clear from the joint inspection report. The Appellant must act fairly as the lives of the occupants and public at large cannot be compromised for the sake of electricity connections in a building. As such the proper remedy should be that the Appellant must obtain 'Fire Clearance Certificate' so as to avoid any ambiguity on the serious issue of threat to life and property because of installation of the electricity connections at a building which does not meet the requirement of the height as per law.

In view of the above, Discom finally submitted that there are no legal and factual infirmities in the order of the Forum and the present appeal of the Appellant is liable to be dismissed as there is no merit in the case.

6. After going through the material on record and hearing the arguments of both the parties at length, the basic issue which emerges is that Discom refused to release the new electricity connections to the appellant basically on the ground that the height of the building is more than 15 meters and the Appellant has failed to produce the required 'Fire Clearance Certificate' from the Fire Department as per the extant regulations.

Given the above exposition and taking all the factors into account, it is worthwhile to mention here that for the purpose of seeking new electricity connections in high rise buildings, the Appellant has to complete all formalities and will have to abide by all the regulations required under the law keeping in view the safety requirements involving serious repercussion to the life and property of the public at large. However, the basic issue which needs to be decided in the case is whether the height of the said building and that of the ground floor conforms to the building bye-laws and other regulations for release of the electricity connections or not. In this context, the main argument of the Appellant that the Discom is not authorized to measure the height of the building is not found to be tenable, in view of the clarification dated 31.05.2019 issued by DERC wherein it has been clarified that the measurement of the height of the building shall be made in accordance with Clause 1.4.16 and 7.19 of the Unified Building Bye-Laws of Delhi, 2016. The operative part of the direction/clarification issued as per the DERC letter No. F.17(85)/Engg./DERC 2016-17/5403 dated 31.05.2019 is quoted as under:



*"Based on the above, it is clarified that the distribution licensee for release of electricity connection shall not insist for fire clearance certificate for the residential buildings having height upto 15 meters without stilt parking and 17.5 meters with stilt parking. The measurement of the height of the building shall be made in accordance with clause 1.4.16 and 7.19 of Unified Building Bye-Laws for Delhi 2016."*

In view of above, it is held that Discom is competent to measure the height of the building.

It is further observed that a joint inspection was carried as per the directions of the Forum on 03.10.2019 in the presence of the representative of the Appellant and the height was found to be 15.90 meters. On perusal of the Joint Inspection Report it is observed that although the report reveals the various details of location of stairs, lock room/shop, entry to basement and the details of the ramp for parking entry gate etc. but no details have been provided regarding the various heights of the so called stilt parking. The inspection report however reveals that the parking of the building starts at a height of 4'7" (4 feet 7 inches) from the ground level and the length and breadth of the ramp for parking entry gate connecting the parking floor is 14'2" (14 feet 2 inches) and 4'8" (4 feet 8 inches) respectively.

In order to decide about the status of ground floor being stilt parking or not the various heights of the ground floor need to be measured properly and since the same were not available in the Joint Inspection Report, Discom was asked to carry out the joint inspection of the building again. The joint inspection of the site for measuring the various heights and noting down other connected details was carried out on 09.09.2020 in the presence of the authorized representative of the Appellant. On perusal of the report which was duly signed by both the parties, it is observed that the height of the ground floor from road level is 3.58 meters whereas the height as measured from top of the basement is mentioned as 2.18 meter and further the top of the basement itself is at a height of 1.4 meter above the road level.

7. In this context, in order to decide the issue of the ground floor being stilt parking or not, it is important to peruse the Clause 7.15.1 and 8.2 of the UBBL of Delhi, 2016, which pertain to the provision of parking in stilt, podium and landscaping and Means of Access. The operative relevant part of the clauses is quoted as under:

*"7.15 Provision of parking in Stilts, Podium and landscaping.*

7.15.1 In case a building is to be constructed on individual plot with stilt floor, a maximum 2.4m height at soffit level of beam and 2.7m height at soffit level of slab for providing parking space is permitted. In podium(s), maximum 2.4m height at soffit level of beam and 2.7m height at soffit level of slab for providing parking space can be constructed in continuation of the stilt floor having access for the parking without conflicting with the access requirement as per clause 3.7 and 8.2 from the plot line. The terrace of podium may be used for plantation, swimming pool, landscaping, other related structures and parking/entrance and exits as required."

"8.2 Means of Access

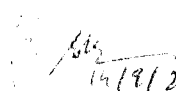
- (c) Main entrance to the premise shall be of adequate width to allow easy access to the fire tender and in no case it shall measure less than 6.0 m. The entrance gate shall fold back against the compound wall of the premises, thus leaving the exterior access way within the plot free for the movement of the fire service vehicle. If archway is provided over the main entrance the height of the archway shall not be of less than 5.0 m in height."

In view of the measurement of the height of the building and that of ground floor, carried out in the presence of the authorized representative of the Appellant and further the perusal of the Clause 7.15.1 of UBBL of Delhi, 2016, it is held that ground floor cannot be treated as stilt parking. Secondly, perusal of the Clause 8.2 of these bye-laws which relates to 'Means of Access', it is observed that certain parameters have been fixed for the floor to be considered as stilt parking with respect to the width requirements for the main entrance of the premises which are not being met herewith. Also, it is evident from the two joint inspection reports and the submissions made in the foregoing paragraphs that in the present case, these parameters are not getting fulfilled. Since the height of the building is more than 15 meters and as the building also does not fulfill the criteria of stilt parking, therefore, the said building falls under the category of residential buildings having height more than 15 meters without stilt parking as per DERC's Notification dated 31.05.2019. Hence, the electricity connections to the building can only be released after the production of requisite 'Fire Clearance Certificate' from the Fire Department.



Against the above background, in order to get the new electricity connections released, the Appellant must complete all commercial and other formalities including obtaining of the necessary 'Fire Clearance Certificate' from the Fire Department as required under the regulations, which is mandatory for release of the connections as the height of the building is more than 15 meters without stilt parking.

Hence, no substantive case is made out for any interference with the verdict of the Forum and the appeal is disposed of accordingly.

  
(S.C.Vashishta)  
Electricity Ombudsman  
14.09.2020