

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. 29/2024

(Against the CGRF-BYPL's order dated 16.07.2024 in Complaint No. 198/2024)

IN THE MATTER OF

Shri Ravinder Kothari

Vs.

BSES Yamuna Power Limited

Present:

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

Respondent: Ms. Shweta Bist, DGM, Ms. Chhavi Rani, Legal Retainer
and Shri Akash Swami, Advocate, on behalf of BYPL

Date of Hearing: 04.12.2024

Date of Order: 05.12.2024

ORDER

1. Appeal No. 29/2024 has been filed by Shri Ravinder Kothari against the Consumer Grievance Redressal Forum - Yamuna Power Limited's (CGRF-BYPL) order dated 16.07.2024 in Complaint No. 198/2024. The appellant had applied for a new electricity connection for his premises at P-P-4, Fourth Floor, Laxmi Nagar, Delhi - 110092. However, the Discom rejected his request on 31.01.2024, citing that the building height exceeded 17.5 meters. The appellant contested this decision, submitting a building completion certificate (BCC) issued by the Municipal Corporation of Delhi (MCD) on 17.01.2023. He requested the Forum to direct the Discom to release connection.

2. In response, the Discom stated that the appellant's floor was effectively the sixth floor, with a height exceeding 15 meters. They also claimed that the appellant had not submitted a certificate from the MCD's approved architect, confirming the building's height. The Discom further submitted that the BCC issued by the MCD was over a year old and was forwarded to the MCD for verification. However, no response had been received, despite a reminder sent subsequently.



3. The CGRF-BYPL dismissed the complaint, noting that the appellant acknowledged that the building height exceeded 15 meters. They also observed that the MCD's BCC was over a year old and that confirmation from the MCD was still pending.

4. Dissatisfied by the order dated 16.07.2024 passed by the CGRF-BYPL, the appellant filed this appeal, arguing that:

- (a) He did not seek benefit under Sixth Amendment of DERC's Regulation, 2017.
- (b) The BCC issued by the MCD is authentic and is considered valid forever for the purpose of completion.
- (c) The Discom should be directed to provide a Standard Operating Procedure (SOP) for checking the authenticity of BCC by sending a mail etc..
- (d) The Appellant is in urgent need of the connection as he is facing hardship without electricity.
- (e) To compensate him for the physical and mental harassment.

5. The Discom reiterated its submissions, through its written submissions, stating that the appellant's floor was effectively the fifth floor, and the height exceeded 15 meters. They also claimed that fire clearance/NOC was required and that the BCC could not be relied upon until verified by the MCD. It was also stated that there is no Standard Operating Procedure (SOP) or policy in place that allows for the release of the applied connection based on an affidavit or undertaking, if the MCD's response is not received within fifteen days. The building in question consists of a ground floor + upper ground floor + four floors without any stilt parking. Therefore, no benefit of Sixth Amendment can be given to the Appellant. Further, for grant of a new connection, provisions of Regulations 10(3) & 11(2)(iv)(c) of DERC's Supply Code, 2017 are to be strictly adhered to.

6. The appeal was admitted and fixed for hearing on 04.12.2024. During the hearing, both the parties were present along with their advocates. 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.



7. During the hearing, the Appellant reiterated his contention as in the appeal. The Appellant asserted that all the requisite formalities including submission of Building Completion Certificate (BCC) were completed but the BCC submitted was alleged to be old one. There was no stilt parking in the building. It was agreed by both the parties that as per record the height of subject building was more than 15 meters. The Appellant further invited attention to a decision by the Ombudsman in the case of Shri Imran Khan vs. BYPL, whereby release of an electricity connection was allowed, in case a communication on validity of BCC was not received from the MCD within 15 days.

8. In rebuttal, the Respondent vehemently opposed the BCC submitted by the Appellant. The Respondent argued that the BCC had to be verifiable and legal. It was pointed out that there was a need for verification of BCC as there was a mismatch in the name of the Architects in the document physically submitted and the documents appearing on the website of MCD Portal, during its verification. Since the BCC was doubtful, its verification was essential. The Respondent further argued that without stilt parking in the subject building, the height of the building exceeds 15 meters. For a building having height of 15 meters or more, BCC/Fire Clearance Certificate is essential.

9. During the hearing, the Ombudsman emphasized that since there is also an issue on the height of the building, being more than 15 meters apart from BCC, Fire Clearance Certificate from the Delhi Fire Service was also required. Steps, therefore, were required to be taken in this regard.

10. After considering all factors, written submissions, and arguments, the following key points emerge:

- (i) The Discom and CGRF confirmed that the building has six floors (GF+UGF+FF+SF+TF+FF) without stilt parking.
- (ii) The connection is for fourth floor flat where height exceeds 15 meters (without stilt), hence the benefit of Sixth Amendment is not accruing to Appellant.
- (iii) The MCD-issued BCC (17.01.2023) is in the name of Shri Ram Naresh Sharma, with an NOC approval and a sanctioned building plan. Attempt to verify the BCC from MCD was not successful. There is a discrepancy in the name of Architect also.
- (iv) There is no procedure for releasing a connection based on an undertaking or affidavit.




- (v) The Discom has emphasized upon the need to comply with Regulations 10(3) and 11(2)(iv)(c) of the Supply Code, 2017, for releasing a new connection.

9. In the light of above points, the court directs as under:

- a. The CGRF's order is upheld.
- b. Apart from a valid BCC, since the building's height exceeds 15 meters, a 'Fire Clearance Certificate' is required for releasing the applied connection.

10. 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 of accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
05.12.2024