

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.: 011-41009285, E.mail: elect_ombudsman@yahoo.com)

Appeal No. 49/2024

(Against the CGRF-BYPL's order dated 26.11.2024 in C.G. 70/2024)

IN THE MATTER OF

Smt. Humairah Sultana Qadri & Others

Vs.

BSES Rajdhani Power Limited

Present:

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

Respondent: Shri Manish Kumar, DGM, Shri Sudarshan Bhattacharjee, Sr. Manager and Shri Himanshu, Advocate, on behalf of BRPL

Date of Hearing: 20.02.2025

Date of Order: 21.02.2025

ORDER

1. Appeal No. 49/2024 dated 26.11.2024 has been filed by Smt. Humairah Sultana Qadri along with Others, R/o, M-88, Upper Ground Floor to Fourth Floor, Khasra No. 243, Abul Fazal Enclave, Part - I, Jamia Nagar, Okhla, Delhi – 110025, through their advocate Shri Neeraj Kumar, against the Consumer Grievance Redressal Forum – BSES Rajdhani Power Limited (CGRF-BRPL)'s order dated 26.11.2024 passed in C.G. No: 70/2024.

2. The background of the case is that the Appellant(s) had applied for release of five new domestic connections in the above cited building as per details given below but these requests were rejected by the Discom for multiple reasons viz; NOC/BCC required, Test Report duly signed by licensed electric contractor, certificate duly verified



by MCD's empanelled architect in respect of confirmation of building height, etc. Consequently, the Appellant filed a complaint before the Forum and stated that despite submitting all the required documents on-line, their requests were turned down by the Discom deliberately and requested for release of connections. In support of their claim, all the relevant documents were provided to the Forum.

S.N.	Name of the Applicant(s)	Application No.	Applied Floor(s)
1.	Ms. Humairah Sultana Quadri	8007101005	Upper Ground Floor
2.	Sh. Mohammad Yusuf	8007103508	First Floor
3.	Ms. Shahana Parveen	8007100965	Second
4.	Ms. Rabiya	8007099681	Third
5.	Ms. Farhana Asmat	8007103502	Fourth

3. The Discom before the Forum submitted that five new connections were applied for from Ground Floor to Fourth Floor of the subject building bearing No. M-88, Khasra No. 243, Abul Fazal Enclave –I, Okhla, which falls under the unauthorized area. The Discom further stated that as per their record, the said building was found booked by the MCD vide letter dated 13.03.2018 and again on 25.07.2018 in the name of Shri Hashim and Shri Gulrez, for unauthorized constructions - on ground floor, first floor and raising of column of second floor and in the shape of third floor and fourth floor (ground floor, first floor and raising column at second floor stand booked vide File No. 64/B/UC/EE(B)-I/CNZ/18 dated 02.02.2018), respectively. Furthermore, though the Appellant(s) had submitted BCC, Sanctioned Plan under SARAL Scheme along with approved drawing, while checking the authenticity of the Architect's certificate on the official website of the MCD, it was found that the address appeared as 88-M-88, Abul Fazal Enclave-I, Okhla, Khasra No. 243, New Delhi – 110025. Due to mis-match in address, a letter was sent to MCD on 04.09.2024 for seeking clarification on the authenticity of the address followed with a reminder through e-mail dated 18.10.2024. Due to non-receipt of any clarification from the MCD, new connections were not released.

4. The CGRF-BRPL, in its order dated 26.11.2024 considered that the Discom had denied connections on the basis of the subject building being booked by the MCD on account of unauthorized construction twice. When Discom found mismatch in the address on the MCD's official website, a letter dated 04.09.2024 was sent to them for



authenticity of the address as mentioned in aforesaid paragraph. The Discom also asserted that the MCD's letters dated 13.03.2018 and 25.07.2018 in respect of unauthorized constructions are still effective due to non-verification of 'BCC' issued by them. The Complainant also could not place any documentary evidence about vacation of the MCD booking. On scrutiny of the Architect Certificate dated 12.08.2024, the Forum also observed that the building height would definitely be more than fifteen (15 meters) without stilt parking instead of 14.96 meters. Therefore, Respondent cannot be directed to release the applied connections at this stage. Moreover, Fire Clearance Certificate from the concerned Department is also required due to building height being more than 15 meters, in view of DERC's Supply Code, 2017.

5. The Appellant, aggrieved by the Forum's order dated 26.11.2024, has filed this appeal and reiterated their stand as before the Forum. Additionally, the Appellant contended that the main issue before the Forum was only mismatch of address, which was raised by the Discom on the basis of MCD's BCC. All other issues were deliberately raised by the Forum only for causing undue harassment. The Appellant wants release of the connections under Article 14 - "Equality before the Law" of Constitution of India.

The Appellant requested (a) to set-aside the impugned order dated 26.11.2024 passed by the CGRF-BRPL and (b) to order for release of the applied new connections.

6. The Discom, in its reply to the appeal vide letter dated 17.12.2024 submitted that the impugned order is in accordance with the law and does not suffer from any legal and factual infirmity. The Discom is bound to adhere to and operate in accordance with the DERC's Regulations. Furthermore, the Appellant has not identified any specific legal issue that would allow the Discom to release new connections given that the premises in question has been booked by the MCD and the building height is more than 15 meters. Moreover, the Appellant was not also unable to obtain a 'NOC' from the MCD, nor did they obtain a valid completion certificate from the empanelled MCD Architect on record with clarity on the height of the building.

7. The appeal was admitted and fixed for hearing on 19.02.2025 but adjourned for the next day, i.e. 20.02.2025, on the request of the Discom. During the hearing, both the parties were represented by their authorized representatives/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, to elicit more information on the issue.



8. During the hearing, the Advocate for the Appellant(s) reiterated their stand as in the appeal and the prayer. Advocate submitted that the requests for the applied connections were rejected by the Discom on the ground of requirement of NOC from the MCD as well as the mismatch of the address which was still appearing on the website of MCD. No satisfactory response was received to a query raised by the Ombudsman on the content of the Saral application viz-a-viz a BCC dated 24.09.2023 (issued prior to construction) available on record. It was informed that as per the Certificate, the construction work had started in June 2024 and the Building Completion Certificate (BCC) was issued in September-2023 which is contradictory. There was further no answer to the query as to whether the architect was empanelled with MCD or not.

9. Advocate appearing for the Respondent submitted that although no response has been received from the MCD to their communications on the verification of the BCC, but if the appellant approaches the MCD and obtains a BCC or MCD directly sends the verified BCC on the email ID of the Discom, the same would be acceptable and treated as valid. However, since the architect had only measured the height of the building from Upper Ground Floor to the 4th Floor as 14.96 meters, taking the height from the Ground Floor, the building is definitely having the height of more than 15 meters. For this reason, Fire Clearance Certificate would also be required.

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

- (a) Five domestic connections applied for by the Appellants, were rejected on account of deficiency namely; Architect Certificate duly verified/approved by MCD, besides Booking of premises for unauthorized construction vide MCD letters dated 13.03.2018 and 25.07.2018.
- (b) A 'BCC' dated 27.09.2023 was submitted along with Architect Certificate dated 12.08.2024, specifying height of building at 14.96 M, from Ground Floor (UG) to Fourth Floor.
- (c) The CGRF rejected the connections applied as the building was booked by MCD for unauthorized construction and also the height being more than 15 meters, which required clearance from the Fire Department also.



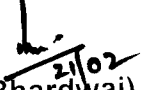
- (d) There is a mismatch of address in the uploaded 'BCC' and the MCD didn't give clarification despite sending communication on two occasions.
- (e) The Architect is not an MCD's empanelled architect, hence, certificate could not be accepted.
- (f) When MCD document dated 08.08.2024 acknowledges receipt of undertaking for construction under 'saral Scheme', the BCC dated 27.09.2023 becomes contradictory.
- (g) The said property was booked by MCD twice, first time on 02.02.2018 (letter sent on 13.3.2018) and again on 25.06.2018 (letter sent on 25.07.2018) on account of unauthorized construction on Ground Floor, First Floor and raising column for second Floor and additional unauthorized construction booking of third floor and fourth floor, respectively. Thus, the complete property was booked.

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

- (i) Order passed by the CGRF is up-held.
- (ii) The Appellant may obtain BCC/NOC from the MCD for release of the connections, besides fire clearance on account of building height being more than 15 meters.
- (iii) The Discom may release connections upon submission of the requisite documents within a week.

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
21.02.2025