

CONSUMER GRIEVANCE REDRESSAL FORUM

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)-For BRPL area

Sub - Station Building, Sector - V, Pushp Vihar,
(Near Saket Court Complex) NEW DELHI - 110017
Phones: 8468952631, 8468935702 TELEFAX: 29564400
Email: cgrfbrpl@gmail.com

No: CG -103/2019/F1/...05

Dated : 10/11/2020

M/s Aggarwal Builders & Developers
H. No. 1128/1, Ground Floor,
Govind Puri, Kalkaji
NEW DELHI - 110019


Subject: - Redressal of Grievance by the Forum

Dear Sir / Madam,

1. Any complainant, aggrieved by orders of the Forum may himself/herself or through his authorized representative make a representation in writing to the Ombudsman with triplicate sets of application.
2. The representation shall state clearly:
 - (i) The name/s and address of the consumer/s, service connection number, category, the name of the local licensees' office, against which the representation is made, the facts giving rise to the representation, the grounds thereof, the relief sought from the Ombudsman.
 - (ii) The name of the Forum, date of order or decision of the Forum shall, as the case may be mentioned in or enclosed with the representation.
3. No representation to the Ombudsman shall lie unless:
 - (i) The consumer had before making a representation to the Ombudsman approached the Forum constituted under Section 42 (5) of the Electricity Act, 2003 for redressal of his grievance;
 - (ii) The representation is made within one month from the date receipt of the order of the Forum:

Provided that the Ombudsman may entertain a representation beyond one month on sufficient cause being shown by the person filling the representation that he had sufficient reasons for not filling the representation within the aforesaid period of one month.

- (iii) The person filling the representation deposits an amount equal to one third of the amount assessed by the Forum in cash or by way of bank draft with the licensee and documentary evidence of such deposit is enclosed with the representation.


10/1/2020
SECRETARY

Encl: Certified copy of order (04 pages).

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No: CG -103/2019

In the matter of:

M/s Aggarwal Builders & Developers

H. No. 1128/1, Ground Floor,

Govind Puri, Kalkaji

NEW DELHI - 110019

....Complainant

Versus

BSES Rajdhani Power Ltd.

BSES Bhawan, Nehru Place,

NEW DELHI - 110019.

... Respondent

Coram:

- | | | | |
|----|--------------------|---|----------------|
| 1. | Mr. Atul Nigam | - | Chairman |
| 2. | Mrs. Nirja Ahuja | - | Member (Legal) |
| 3. | Mrs. Monika Taneja | - | Member (CRM) |

Appearance:

Complainant : Mr. Pankaj Aggarwal

Respondent :

1. Shri B. Bhaskar, Manager (PS), Division - Alaknanda
2. Shri B. George, Office Associate, Division - Alaknanda
3. Shri Rajesh Kr. Gupta, SO, Coordinating Cell, Nehru Place

(Date of Hearing: 10.12.2019)

(Date of Order: 16.12.2019)

ORDER

Briefly, case of the complainant is that he is the owner of the property bearing House no. 499/1, Gali No. 5, Govindpuri, New Delhi-110019 and he applied for six new electricity connections vide Application Nos. 8003646989, 8003646992, 8003646993, 8003646994, 8003647000 and 8003647001 and the same were rejected by BRPL with the reason that height more than 15 metres. He stated that as per measurement done by staff of respondent his building height is 15.55 metres

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from road level. Complainant informed that the road lying much lower than ground level and to escape from water logging problem, he has constructed his house from ground level. He further stated that from ground level height of his building is not more than 15 metres. He further alleged that as per Clause 1.4.16 and 7.19 of Unified Building Bye-Laws for Delhi 2016, "the vertical distance in the case of flat roofs is measured from the highest surrounding road level/ground level up to the top of the structural slab". Complainant requested to release new connections upon visiting the site and taking measurements again from the ground level. Complainant had approached respondent several times, however all his efforts went in vain and his grievance was not redressed by respondent. Being aggrieved, complainant filed its complaint before us, which was registered.

On notice respondent appeared and filed its reply and documents before us.

Respondent submitted their reply dated 29.11.2019 that the complainant initially applied for six new connections on 07.12.2018. The same were rejected due to deficiency "building under construction, so building height not confirmed, wiring not completed, disconnection and final bill required against meter no. 26464370". The same had already been intimated to the complainant's through deficiency letter dated 18.12.2018. Complainant again applied for eight new connections on 25.07.2019 and the same was rejected with reason "Fire Safety Clearance Certificate required", because height of building found more than 15 metres. The height of the building has been measured as per rules only. The building is on the street only, so the height can be measured from road level only. They further stated that in view of above allegation for violation of UBBL or DERC guidelines are not sustainable. As such complainant required to obtain Fire Clearance Certificate for sanction of the new connection.

We have heard the parties at length and have also gone through the documents filed by the complainant and respondent before us and have examined the same. In our considered opinion we do not find any anomaly in action of the respondent in rejecting application for new connection. We would like to quote Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations 2010, Regulation 36, Sub Regulation 2 and 4 and DERC (Supply code & Performance

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Standards) Regulations, 2017, Sub Clause 2 of Clause 7 as they are relevant for deciding the present issue before us.

DERC (Supply code & Performance Standards) Regulations, 2017, Sub Clause 2 of Clause 7 is quoted below:-

“All multi-storeyed buildings, having a height of more than 15 metres from ground level, shall also comply with Clause 36 of the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2010 and amendments thereof.”

Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations 2010, Regulation 36, Sub Regulation 2 and 4 read as under:-

“(2) Before making an application for commencement of supply or recommencement of supply after an installation has been disconnected for a period of six months or more, the owner or occupier of a multi-storeyed building shall give not less than thirty days notice in writing to the Electrical Inspector specify therein the particulars of installation and the supply of electricity shall not be commenced or recommenced within this period, without the approval in writing of the Electrical Inspector.

(4) The owner or occupier of a multi-storeyed building shall ensure that electrical installations and works inside the building are carried out and maintained in such a manner as to prevent danger due to shock and fire hazards, and the installation is carried out in accordance with the relevant codes of practice.”

Further, we have perused DERC clarification received on the issues relating to grant of new electricity connection to a building having total height is 15 metres without stilt parking and 17.5 metres with stilt parking vide letter no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019. Relevant para is quoted below:-

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“ 7. 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 metres without stilt parking and 17.5 metres 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.”

After going through these provisions and also the clarification we are of the considered opinion that for the purpose of seeking connection in high rise buildings for the safety reason of the occupiers these provisions are made which are to be complied by the applicant seeking new connection in the high rise building. The requirement of Fire Clearance and Safety measures are for the whole building till the top.

Accordingly, in our opinion new connection could be released to the complainant after he submits necessary Fire Clearance Certificate alongwith any other documents which the respondent requires for release of such connections as height of the building in the said case is more than 15 metres from road level.

At present, complainant is unable to fulfill the condition as prescribed under law. The Forum directs complainant to complete the commercial formalities and obtain necessary Fire Clearance Certificate before connections can be released.

Accordingly, case is disposed off.

Sd/-
(Mrs. Monika Taneja)
Member (CRM)

Sd/-
(Mrs. Nirja Ahuja)
Member (Legal)

Sd/-
(Atul Nigam)
Chairman

