

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 -23/2019/F1/278

Dated : ...16/12/19....

M/s EBP India Pvt. Ltd.
Shri P. S. Morya (Director)
Through Shri Manoj Banka (A/R)
House 510-B-2, Gali No. 6,
Govind Puri,
NEW DELHI - 110019

Subject: - Redressal of Grievance by the Forum

Dear Sir,

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.



SECRETARY

Encl: Certified copy of order (04 pages).

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No: CG -23/2019

In the matter of:

M/s EBP India Pvt. Ltd.
Shri P. S. Morya (Director)
Through Shri Manoj Banka (A/R)
House 510-B-2, Gali No. 6,
Govind Puri,
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: Shri Manoj Banka, Authorize Representative of the Complainant

Respondent:

1. Shri B. Bhaskar, Manager (PS), Division – Alaknanda
2. Shri B. George, Office Associate, Division – Alaknanda
3. Shri Rajesh Kr. Gupta, Nodal Officer, Nehru Place

(Date of Hearing: 03.12.2019)

(Date of Order: 09.12.2019)

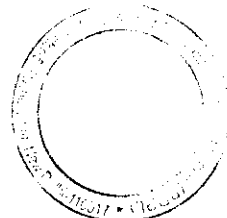
ORDER

Shri Atul Nigam, Chairman

Briefly, stated case of the complainant is that he is the owner of the property bearing House no. 510-B-1A, 510-B-1-B and 510-B-1C, Gali No. 6, Govindpuri, New Delhi-110019. Complainant had one temporary electricity connection bearing CA no. 350825887, thereafter on 08.05.2018 complainant had applied for new electricity connections in the name of M/s EBP India Pvt. Ltd. at Ground Floor, Upper Ground

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Floor, First Floor, Second Floor and Third Floor only to the respondent and on the same day respondent had rejected his new electricity connection applications due to reason, building height is more than 15 metre. On 26.12.2018, complainant had sent a representation alongwith the original Architects Certificate to the respondent company for issuing new electricity connections at the above said premises. Complainant approached respondent regarding the same, however all his efforts went in vain and his grievance was not redressed by BRPL, being aggrieved, complainant filed its complaint before us, which was registered.

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

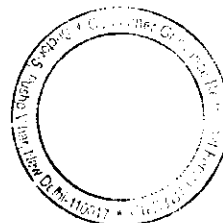
Respondent Submitted reply vide their letter dated 06.03.2019 that complainant applied for new connections on 08.05.2018 and the same was rejected due to the deficiency that height of the building found more than 15 metres. Complainant alleged that height of the building less than 15 metres and requested for re-inspection. In re-inspection also the height of the building found more than 15 metres i.e. approximately 16.05 metres from road level and 15.80 metres from ground level. As per section 7 clause 2 of DERC guidelines "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". The same has also been intimated to the complainant vide rejection letter dated 08.05.2018 and another letter dated 10.01.2019. In view of above, it is prayed to this Forum to direct the complainant to submit fresh application with completion of required commercial as well as technical formalities as prescribed by DERC (Supply Code & Performance Standards) Regulations 2017.

Respondent vide their reply dated 26.03.2019 submitted that site had been inspected jointly on 25.03.2019 and found that, height of building more than 15 metres i.e. 15.7 metres from road level to terrace and 15.45 metres from ground level to terrace. Further, CA no. 152684136 and 152743753 was sanctioned on the basis of building sanctioned plan and completion cum occupancy certificate issued by MCD.

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Again respondent submitted their reply dated 28.08.2019 that as per information from Digi Sewa Kendra that they were stopped to sanction new connections on the basis of Architect certificate after 03.05.2018. Further as discussed with competent authority, new connections cannot be sanctioned on the basis of Architect Certificate against H. no. 510-B1A, 510-B-1B, 510-B-1C and 510 B2, Gali No. 6, Govindpuri, New Delhi – 110019. In view of above, complainant required to complete the required formalities for new connections.

During the hearing complainant submitted that the structure partially removed by him and respondent stated that there were two shops and one dwelling unit in the ground floor, therefore it cannot be treated as stilt parking, so the new connection cannot be released. Complainant agreed to clear both the shops so that property comes under the purview of Unified Building bye-laws and respondent also agreed to release the connection as per DERC guidelines.

We have also perused various provisions of law and the clarification on the said issue of releasing connections in building having height more than 15 meters. As per Unified Building Bye-Laws for Delhi 2016 clause 7.15.1, the height should be maximum 2.4m at soffit level of beam and 2.7m height at soffit level of slab. Unified Building Bye-Laws for Delhi 2016, clause 7.15, relevant para is quoted below:-

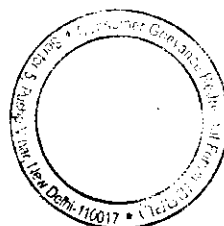
“ 7.15 Provision of parking in stilts, Podium and Landscaping

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.”

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We would like to quote here Hon'ble DERC clarification received on the issue relating to grant of connection to buildings having total height of 17.5 meters vide letter no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019. Relevant para is quoted below:-

“
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.

In view of above facts and circumstances, DERC guidelines says that connection in the building with stilt parking can be released for building height upto 17.5 metres. At present status of building complainant is unable to fulfill the condition as prescribed under law and in absence of Fire Clearance Certificate connections cannot be released.

Accordingly, case is disposed off.

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

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

Sd/-
(Atul Nigam)
Chairman

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Consumer Grievance Redressal Forum (BRPL) Sub - Station - 6, Pashp Vihar, New Delhi - 110 017
CERTIFIED COPY
Date 16/12/19
(Secretary)

