

# 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](mailto:cgrfbrpl@gmail.com)

No: CG -57/2019/F1/.....<sup>280</sup>

Dated : ...16/12/18.....

Shri Rajesh Bansal  
House NO. 13-A,  
Aliganj, Kotla Mubarak Pur,  
**NEW DELHI - 110003**

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.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

SECRETARY

Encl: Certified copy of order (04 pages).

# CONSUMER GRIEVANCE REDRESSAL FORUM (BRPL)

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No: CG -57/2019

In the matter of:

Shri Rajesh Bansal

House NO. 13-A,

Aliganj, Kotla Mubarak Pur,

**NEW DELHI - 110003**

.... 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 (L)
3. Mrs. Monika Taneja - Member (CRM)

Appearance:

Complainant: Shri Manoj Banka, Authorize Representative of the complainant

Respondent: Shri Manish Kumar, Sr. Manager (B), Division - Nizamuddin

(Date of Hearing: 20.11.2019)

(Date of Order: 29.11.2019)

**ORDER**

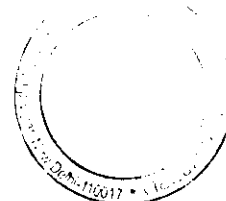
**Mrs. Nirja Ahuja, Member (Legal)**

In brief case of the complainant is that the complainant is the owner of the property bearing H. No. 130 A, Aliganj, Kotla Mubarak Pur, New Delhi-110003 and he had applied for new electricity connections vide application no. 8003942699, 8003937164, 8003942700, 8003942706, 8003942710, 8003942712, 8003937174 and 8003942726. As per complainant, the above said building is duly constructed having Basement, Stilt Parking, Ground Floor, First Floor, Second Floor and Third Floor. Applications of new electricity connections were rejected by respondent vide letter dated 02.05.2019 and 25.06.2019 due to reason that unauthorized construction

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No: CG – 57/2019

is there, MCD clearance required and building height is more than 15 metres. Complainant approached respondent for release of connections several time, however all his efforts went in vain and electricity connections were not released to him. Being aggrieved, complainant filed the complaint before the Forum, which was registered.

On notice respondent appeared and filed their replies and documents before the Forum.

Respondent in their reply mentioned that site has been visited and found height of building is more than 15 metres and no proper stilt parking is existing and hence the request for new connection has been rejected.

Matter was listed for hearing on 30.09.2019 and after hearing both the parties, Forum directed for joint site inspection of the said premises. Respondent submitted on the next date of hearing that during the joint inspection it was found that the parking of building start at the height of 4'7" (4 feet 7 inch). Only a ramp of width 4'8" (4 feet 8 inch) available to enter in premises ramp length is 14'2" (14 feet and 2 inch) total premise's front size is 30 feet rest of the area is having a locked store room/shop, basement from front side closed and locked gate of back side.

They submitted that six meter wide ramp was not constructed by the applicant as committed during the hearing before the Forum and further stated that a floor being shown as stilt parking does not fulfill the parameters of the stilt parking as defined in Building Bye-laws 2016 and thus the same cannot be treated as stilt parking. Since no stilt parking exists, connections cannot be released as height of building is more than 15 metres.

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 opinion we do not find any anomaly in action of the respondent in rejecting application for new connections in the absence of the fire clearance certificate as building height is more than 15 metres and there is no distinct stilt parking existing. We have also perused various provisions of law and the judgments on the said issue of releasing connections in buildings having height more than 15 meters. We would

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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.”

Relevant paras of clauses 7.15 and 8.2 (c) which speaks of stilt parking and means of access respectively are 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 2.4 m height at soffit level of beam and 2.7 m height at soffit level of slab for providing parking space is permitted. In podium(s), maximum 2.4 m height at soffit level of beam and 2.7 m 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.”

Perusal of Building Bye-laws clearly shows that certain parameters have been fixed for the floor to be considered as stilt parking and the width required for main entrance of the premises. In the present case, these parameters are not getting fulfilled as is clear from the site inspection reports and the submissions made in forgoing paragraphs.

After going through these provisions and also the clarification received from DERC, 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, complainant is unable to fulfill the conditions 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

