

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 -98/2019/F1/..33

Dated : 30/1/2020

Shri Dhirendra Saini
House No. 301,
2nd Floor,
Gali No. D - 10,
Chattarpur Pahari,
NEW DELHI - 110074.

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.



SECRETARY

Encl: Certified copy of order (04 pages)

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CG – 98/2019

In the matter of :

Shri Dharendra Saini
House No. 301,
2nd Floor,
Gali No. D – 10,
Chattarpur Pahari,
NEW DELHI - 110074.

.... Complainant

Versus

BSES Rajdhani Power Ltd.
BSES Bhawan, Nehru Place,
NEW DELHI - 110019.

.... Respondent

Coram:

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

Appearance:

Complainant:

1. Shri Dharendra Saini

Respondent :

1. Ms Nikita Sachdeva, Manager (B) Division Saket
2. Shri Rajesh Gupta, SO, Co-ordinating Cell, Nehru Place

(Date of Hearing : 22.01.2020)

(Date of Order: 23.01.2020)

ORDERS

Briefly stated facts of the case are that the complainant applied for new electricity connection vide application No. 008003801931 on dated 28.03.2019. After site verification complainant got deficiency letter from respondent dated 09.04.2019 mentioning that the total building height is more than 15 mtrs and completion certificate required from MCD.

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Complainant submitted the relevant documents on 05.09.2019 for site verification. But site has not been verified and he is not getting the new electricity connection.

Respondent vide their mail dated 23.10.2019 informed complainant that connection stands rejected due to requirement of fire safety certificate and a letter received from SDMC that unauthorized construction has taken place.

Notice was served, respondent appeared and filed their reply dated 22.11.2019 that the complainant has applied for a new connection vide request No. 8003801931 dated 28.03.2019 at the address bearing H. No. 301, Second Floor, Gali No. D-10, Kh. No. 111, 125 & 116, Ambedkar Colony, Chattarpur Pahari, New Delhi -74. The said building consists of LGF, UGF, First, Second, Third & Fourth Floor and the total height of the building is more than 15 mtrs. It has also been observed that the applied premises have been booked by SDMC for unauthorized construction. They further stated that it has already been intimated to consumer that Fire Clearance Certificate is mandatory for releasing new connections, where the total height of the building exceeds 15 mtrs., as per DERC guidelines, besides NOC from SDMC for unauthorized construction. As per the standing instructions of Hon'ble High Court, respondents have to ensure that no electricity connections are provided to the buildings constructed in violation of law.

Initially, it was submitted by respondents that height of the building is 18.65 meters but during deliberations respondent stated that height of the building is 18.4 meters.

Respondent already submitted SDMC letter No. D-2738/AE(B)/SZ/14 dated 12.12.2014 indicating that the said property No. 301, Gali No. 10, Chattarpur Pahari is booked under relevant Section of the Act.

In view of the above objections, respondents alleged that the electricity connection can only be released after getting clearance from fire department and release of the property from the SDMC.

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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 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

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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 upto 17.5 metres 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.

Accordingly, in our opinion since the height of the building is 18.4 meters as mentioned above, new connection could be released to the complainant after he fulfill the conditions as prescribed under law. The Forum directs complainant to complete the commercial formalities and obtain necessary Fire Clearance Certificate and also the restoration letter from SDMC 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

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