

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 18.11.2019

Complainant : Shri J.L. Puri - Present

Respondent : Principal Secretary (Power),
Govt. of NCT of Delhi.
Through Sudharshan Bhattacharya,
Manager, BSES RPL.

Grievance No. : PGC/2019/A.II/Power/02

1. Brief facts of the case.

1.1 Shri J.L. Puri has filed a grievance petition before Public Grievances Commission on 27.2.2019 against BSES RPL stating that he is the owner of Flat No.29-D/4 , Upr. Gr.Flr(1st Floor), Ward No.1, Mehrauli, New Delhi. He had applied for electricity meter in respect of the said flat in the Office of DGM (Business), BSES, Vasant Kunj vide application No.8003697573 dated 11.1.2019 and had submitted all required documents including registry of his flat. The complainant stated that BSES RPL has denied him electricity connection on the ground of height of building where he has own flat . Further, all other flat owners in the same building have already been provided electricity meter.

He further stated that the additional flat on the terrace alone is above 15 mtrs. height and all other flats are below 15 mtr height. It will be unfair to link or club one floor with another to ascertain height of a flat. His flat is on upper Ground Floor (1st Floor) and its height is less than 15 mtrs. He further states that he is not the owner of the whole building.

He further stated that in the DERC Regulation 2017, requirement of “Fire Clearance Certificate” is for whole building and Delhi Fire Department do not provide NOC for a particular flat. As such, requirement of Fire Clearance Certificate is not practical.

Further, DERC Regulation 2017 was implemented in Jan./Feb.2018 and it is applicable only on buildings constructed after the implementation of this regulation. His flat was constructed in 2014, much before the implementation of the Regulation and nowhere it is mentioned that the Rules will apply to building constructed prior to the implementation of the Regulation. Therefore, rules as given in the DERC Regulation 2017 are not applicable in his case. He states that the rule of convention exists and it is applicable in his case also. Hence, he requested the PGC to do the needful to provide him relief.

2. Facts emerged during the proceedings

2.1 Shri Sudarshan Bhattacharya, Manager of BSES Rajdhani Power Limited stated that as per DERC guidelines the new electricity connection cannot be provided as in which building Sh. J.L. Puri has his own flat, the height of this building is more than 17.5 meter with stilt parking. Hence no new electricity connection be provided as per DERC order vide F. 17(85)/Engg.DERC/2016-17/5403/487 dt. 31.5.2019.

2.2 The representative of BSES RPL, stated that temporary connection is given only for construction work. The temporary electricity connection is given to Sh. J.L. Puri's flat on 9th June 2019. The temporary connection may be disconnected as and when BRPL required.

3. Directions

3.1 AGM, Head of Group, BSES Rajdhani Power Ltd. and the complainant are advised to have a joint inspection of the building to ascertain as to whether the height of the building is with stilt more than 17.5 meter or less. If the height of the building with stilt parking is more than 17.5 meter no electricity connection be provided as per DERC guidelines and in accordance with Hon'ble High Court order in WP (C) 11236/2017 dt. 20.12.2017 in the matter of Parivartan Foundation Vs. South Delhi Municipal Corp. & Ors and if the height of the building with stilt parking is less than 17.5 meter the electricity connection may be provided to the complainant as per Rule.

3.2 With the above directions, the Commission has decided to dispose of the case.

(SANJEY PURI)
MEMBER(PGC)

Copy to:

- 1 The Principal Secretary (Power), Deptt. of Power, GNCT of Delhi, 8th Floor, B-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
- 2 AGM, Head of Group, BSES Rajdhani Power Ltd. BSES Bhawan, C-Block, 1st floor, Nehru Place, New Delhi-110019.
- 3 Shri J.L. Puri