

**C A No. Applied For**  
**Complaint No. 49/2019**

**In the matter of:**

Shefali Gupta .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

**Appearance:**

1. Complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Mr. Prashant & Mr. Achal Rathi, On behalf of BYPL

**ORDER**

Date of Hearing: 18<sup>th</sup> September, 2019

Date of Order: 23<sup>rd</sup> September, 2019

**Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)**

The complainant lodged complaint on 05.08.19. She is owner of the property located at 2<sup>nd</sup> floor, G-54, Vikas Marg, New Delhi. This property is located on 100 feet wide road. The complainant applied for connection in this property. The connection was not given/sanctioned by BSES. Her property is at second floor and the property located at 3<sup>rd</sup> floor and 1<sup>st</sup> floor have been provided electricity connection by BSES. The complainant purchased the property in 2012. The BSES officials told the complainant that the new rule has come in force as electrical connection cannot be granted as height of the property is more than 15 meters. The complainant further submitted that height of the

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building upto second floor is 10.5 meter and legitimate height of entire building is 14 meter. The complainant further requested for grant of connection and lodged a complaint in grievance cell.

The notice was issued to both the parties to appear before the Forum on 30.08.19.

The respondent filed a reply in which they stated that on ground of technical feasibility the connection was rejected and the height of the building is more than 15 meters.

But as per the inspection report filed on 06.09.19, joint inspection was conducted in which it was found that premises were locked, entry to roof was locked and building height was not confirmed.

On 18.09.19, hearing was conducted and directed the respondent to file original K.No. files of all the connections energized in the same building. As per the respondent there are four connections which are very old and K.No. files not traceable. Details of all the connections are as follows:-

1. CA NO. 100921382, Vijay Prakesh Agarwal, 24.06.2002.
2. CA NO. 100043106, Macmillan Pharmaceuticals, 01.01.1999
3. CA No. 100915584, M/s Besto Chem Formulat, 01.01.1999
4. CA No. 100876342, Sh. Suresh Kumar Garg, 22.01.2000.

It is pertinent to mention here that during the course of hearing both the parties were directed to conduct a joint inspection of the premises. As submitted before us, the access of terrace is not available with the complainant and he submitted that he knows the name and phone number of the person having keys of the terrace. Both the parties were directed to make sure that at the time of inspection, the terrace be open and appropriate measurement of building could be taken, which was not done due to unavailability/or any other reason.

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There are two main issues in the present case:-

1. One is to release the new connection, and
2. Height of the building.

Coming to the fact of height of building exceeding 15 meters of the record admitted by the respondent and the inspection was done before coming to the Forum but later on not as per directions of the Forum. In our considered opinion in view of the prevalent Regulation and Guidelines of Hon'ble DERC, the connection now only be released after completion of all the necessary formalities required for the building exceeding 15 meters of height by the complainant. Accordingly, as per new Rules and Regulations which are reproduced here under:-

*DERC Regulations 2017, Regulation 7 (2) All multi-storeyed buildings, having a height of more than 15 meters 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.*

*Clause 36 of the Central Electricity Authority, Provisions for supply and use of electricity in multi-storied building more than 15 meters in height:-*

*(1) The connected load and voltage of supply above which inspection is to be carried out by an Electrical Inspector for a multi-storied building of more than fifteen meters height shall be notified by the Appropriate Government.*

*As per Schedule of charges and the Procedure, third amendment order dated 04.07.18, clause 5 of the Declaration which is reproduced here:*

*That the building has been constructed as per prevalent building Bye-laws and the total height of the building .*

- (i) Does not exceed 15 (fifteen) meters on the date of seeking service connection;*  
*or*
- (ii) Is more than 15 (fifteen) meters and Fire Clearance Certificate is available with the applicant.*

*Shashali*

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That if the height of the building exceeds 15 meters therefore all the connection be release by the respondent after completion of all the necessary formalities in this regard by the complainant.

Therefore, we direct the respondent:-

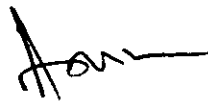
1. To release the connection to the complainant within one week from the date when he completes all the necessary formalities as per DERC Guidelines.
2. Complainant is directed to produce fire clearance if the building height is more than 15 meters.

Case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.  
Proceedings closed.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(ARUN P SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)