

C G R F



B Y P L

Consumer Grievance Redressal Forum  
FOR BSES YAMUNA POWER LIMITED  
(Constituted under section 42 (5) of Indian Electricity Act. 2003)  
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032  
Phone: 32978140 Fax: 22384886  
E-mail: cgrfbypl@hotmail.com  
SECY/CHN 015/08NKS

**C A No. Applied For**  
**Complaint No. 49/2021**

**In the matter of:**

Mohd Naeem Ansari

.....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. Mr. Adarsh Kumar, Counsel for the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

**ORDER**

Date of Hearing: 30<sup>th</sup> June, 2021

Date of Order: 05<sup>th</sup> July, 2021

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

Briefly stated facts of the case are that the complainant applied for new electricity connection under commercial category but the respondent rejected his application for new connection.

The complainant further submitted that he applied for new domestic connection vide application no. 8004780446 dated 09.02.2021 at H. No. 1306, 4F, Kh.No. 1/63, Gali No. 41, Jafrabad, Near Babul Uloom Madarasa, Delhi-53.

1 of 4  
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Complaint No. 49/2021

But the respondent rejected his application for new connection vide rejection letter dated 16.02.2021 on the pretext of building height more than 15 meters, fire clearance certificate required. Therefore, he requested the Forum to direct the respondent company for immediate release of the new connection.

Notices were issued to both the parties to appear before the Forum on 23.04.2021.

Due to an upsurge in Covid-19 second wave hearings in the Forum could not be conducted during the period 20.04.2021 to 10.06.2021.

The respondent submitted their reply stating therein that the applicant Mohd. Naeem Ansari, applied for new electricity connection vide application no. 8004780446 at H. No. 1306, 4F, Kh.No. 1/63, Gali No. 41, Jafrabad, Near Babul Uloom Madarasa, Delhi-53. It is also submitted that during site visit it was found that height of the building where new connection is applied is 15.40 meter and also a shop exists at the ground floor, therefore, in terms of Supply Code 2017, complainant is required to submit fire clearance certificate for release of new connection. Respondent also added that benefit of sixth amendment of DERC cannot be given to the complainant due to commercial activity exist on the premises of the complainant.

The matter was listed for hearing on 18.06.2021, when complainant was directed to file architect map of a registered architect because respondent has raised objection that building height is more than 15 meters and commercial activity is going on the ground floor.

The matter was finally heard on 30.06.2021, when both the parties were present and complainant filed the architect map. Arguments of both the parties were heard and matter was reserved for orders.

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*[Signature]*

*[Signature]*

Complaint No. 49/2021

The main issue in the present case is whether the connection can be released or not.

We have gone through the submissions made by both the parties from the narration of facts and material placed before us we find

That the complainant has commercial connection in shop/parking which will not be used by the complainant for any commercial purpose. So the whole building/premises is residential building.

That it is the statutory duty of the distribution licensee to provide the electricity connection to the applicant within one month after complainant approach the respondent.

We are of the considered opinion that complainant is entitled for connection as per Sixth amendment dated 15.04.2021, reproduced below:

The recent released sixth amendment of Hon'ble DERC, which is reproduced here below:-

**2.0 Electricity Connection in High Rise Buildings**

4(1) In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the distribution licensee shall:

- (i) release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:
- (ii) In the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:

Provided that in case such dwelling units above 15 meters without stilt parking and above 17.5 meters with stilt parking of the building indulge in unauthorized connection from the system of licensee or from the live connection of any other consumer, the licensee may

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Complaint No. 49/2021

initiate an action as per provisions of Section 126, Section 135, Section 138 or any other section as may be applicable of the Electricity Act, 2003 and the electricity connection of such consumer who has provided the supply unauthorisedly, shall be disconnected immediately;

4(2) The Distribution Licensee shall inspect such premises periodically.

In the matter of KSEB Engineers Vs. Regulatory Authority, Justice Murali Purushothaman observed: - Water and electricity are integral part of Right to life within the meaning of Article 21 of the Constitution of India. Section 43 of the Electricity Act provides that there is a statutory duty on the distribution licensee to provide the electric connection to the applicants within one month after receipt of the application requiring such supply.

Today i.e. on 05.07.2021, the complainant submitted a letter regarding a compromise between the complainant and respondent for releasing her demand note and thereafter installing the electricity connection. Complainant further submitted that she does not want action from the CGRF. The complaint of the complainant has been resolved and satisfied.


In view of the above, the Forum feels that there is no action required as per the complainant, so the case is closed.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(VINAY SINGH)  
MEMBER (LAW)

  
(ARUN P SINGH)  
CHAIRMAN  
4 of 4