



C A No. Appiled For
Complaint No. 244/2023

In the matter of:

ImranComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran, Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 31st August, 2023

Date of Order: 11th September, 2023

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The complainant Imran applied for new electricity connection vide request no. 8006249335 at premises no. B-409, GF, Khasra No. 343/1, Gali No. 4, Oid Mustafabad, Delhi-110094, but respondent rejected his application for new connection on the pretext of meter already exists, but complainant alleged that there is no meter and due to no supply he is going through lots of hardship.

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CGRF (BYPL)





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2. OP in its reply briefly submitted that the complainant is seeking fresh electricity connection for a shop at stilt parking claiming the same as GF of property bearing no. B-409, Kh. No. 343/1, Gali No. 4, Old Mustafabad, Delhi-110094 vide application no. 8006249335 wherein deficiency letter was issued as in stilt parking no shop can exist as per building bye-laws and as such no connection can be given in stilt parking except for parking/lift connection.

OP further added that the premises earlier had parking in GF or stilt parking plus upper ground plus four floors over it. Now the stilt parking area is converted into shop and a flat. All floors over and above ground floor/stilt parking i.e. five floors with two dwelling units each are having 10 electricity connections. The total height of the building is less than 17.5 meters. Earlier connections were granted as the ground floor is taken as stilt parking area.

It is also their submission that in respect of building in question earlier a complaint was filed bearing CG no. 187/2022 wherein connection was fought for fourth floor i.e. effective fifth floor, as Ground floor was taken as stilt parking area as a consequence building height to be taken into consideration was 17.5 meters instead of 15 meters.


In case of ground floor is not taken as stilt parking then any connection given over the height of 15 meters is not feasible in terms of sixth amendment and is liable to be disconnected.



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3. Complainant rebutted the contentions of the respondent as averred in their reply and submitted that when he purchased the shop in property no. 409B, GF, Gali No. 4, Purana Mustafabad, Delhi-94, the building was under construction and all the domestic meters were installed in the building.

4. LR of the OP submitted that they have already released the domestic connection on the fourth floor (affective fifth floor) considering the ground floor as parking. Therefore as per sixth amendment they cannot release the new connection to the complainant.

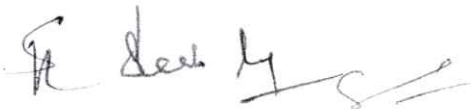
5. Heard both the parties and perused the record.

6. Before disposal of this complaint its necessary to discuss the Rules applicable here. As per DERC (Sixth Amendment) order, 2021 dated 15.04.2021:
2.0(3) In case of residential buildings, for release of electricity connection the Distribution Licensee shall not insist for Fire Clearance Certificate for the residential building having height up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.

7. In the present case Forum has already ordered to released a new electricity connection on the fourth floor which is effective fifth floor considering the ground floor as stilt parking and height of the building less than 17.5 meters as per above stated DERC order. Therefore, new commercial connection on the ground floor cannot be granted to the complainant.

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ORDER


The complaint is rejected. The Forum is unable to give any relief to the complainant.


The case is dismissed as default.

No order as to the cost. Both the parties should be informed accordingly.
File be consigned to Record Room.


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH



(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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