



C A No. 152601187
Complaint No. 412/2023

In the matter of:

Kewal Krishan GroverComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 08th February, 2024
Date of Order: 14th February, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Sh. Kewal Krishan Grover, against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that complainant applied for load enhancement vide request no. 8006609028 against CA no. 152601187 at premises no. 160A, Second Floor, Master Block, Shakarpur, Delhi-110092 and also submitted Architect Certificate to this effect, but respondent rejected his application on pretext of building height more than 15 meters.

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2. The respondent in reply briefly stated that the complainant is seeking load enhancement in respect of one electricity connection bearing CA no. 152601187 which is registered for second floor of the premises bearing no. 160-A, Master block, Shakarpur, Delhi vide application no. 8006609028 and for conversion of single phase connection to three phase connection wherein deficiency letter was issued on account of building height which is more than 15 meters. Site visit was also done and it was observed that the building is a commercial building, building height is more than 15 meters and premises are booked by the MCD vide letter no. EE(B)-I&II/Shah(s)/2020/21/D-1436 dated 13.11.2020.

Reply further added that all the existing connections have same address except the tower connection which was installed in the year 2018 wherein address mentioned is both as MB0160A and MB-160B. All the connections were sanctioned after submission of Building Completion Certificate (BCC) except for tower connection. The said building completion certificate is issued by architect Arif Rehman. At present the said architect is de-barred from MCD and subject Building Completion Certificate (BCC) stands invalid as per mail received from the Executive Engineer MCD on 26.12.2020.

3. Counsel of the complainant submitted rejoinder refuting the contentions of the respondent and stated that already OP has enhanced the load of other connections in the building of the complainant having CA No. 153209019 on 22.07.2022 and now asking the formalities fresh.

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4. Heard both the parties and perused the record at length.
5. The main issue in the present case is whether the load enhancement can be done from single phase to three phase under commercial category in a commercial building and height of the building is more than 15 meters and building is booked by MCD. Can the complainant be given benefit of sixth amendment?
6. As far as legal position is confirmed, according to DERC Regulations 2017, Sub-Regulation 17. Existing connections:- (2) Load Enhancement on the request of consumer:- (ii) The procedure as laid down in Regulation 11 for release of electricity connection shall be followed.

According to 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.



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:

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- (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 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;

7. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, Hon'ble Delhi High court in case of Parivartan Foundation Vs. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that



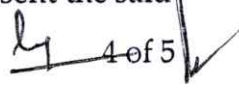
3. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.

4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.

8. Here in the present case height of the building where the complainant is seeking new connection is above 15 meters and booked by MCD. The BCC submitted by the complainant for release of new electricity connections was issued by Architect Arif Rehman and at present the said

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Architect is de-barred by MCD. MCD through its mail has clearly mentioned that the Building Completion Certificate (BCC) issued by Architect Arif Rehman should not be considered and also attached a list of properties for which Architect Arif Rehman has issued BCC and these BCC should not be considered.

In the facts and circumstances we are of considered view that the complainant has to fulfill the requirement of Regulation 17(2)(ii) of DERC Regulations 2017 for load enhancement and also have to file fresh Building Completion Certificate (BCC) against MCD objection.


ORDER


The complaint is rejected. The request of the complainant for load enhancement vide request no. 8006609028 for CA No. 152601187 at premises no. 160-A, Master block, Shakarpur, Delhi, cannot be granted unless and until fresh BCC is submitted to the OP.

Case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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