



CA No. 150815609
Complaint No. 186/2023

In the matter of:

Mohd Yasin

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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. Neeraj Kujmar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Sachin, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 27th July, 2023

Date of Order: 02nd August, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that complainant Mohd Yasin, applied for load enhancement of CA No. 150815609 vide application no. 8006131079 but respondent rejected his application for load enhancement on the pretext of building completion certificate/Architect Certificate for height of building required'. Therefore, his application for load enhancement may be granted.

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CGRF (BYPL)

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2. OP in its reply briefly submitted that the complainant is seeking load enhancement of CA No. 150815609 of suit property bearing no. 14-B/2, Kh. No. 564-565/298, Gali No. 7A, Vijay Mohalla, Maujpur, Delhi. The complainant applied for load enhancement through request no. 8006131079 and deficiency letter was issued on 27.02.2023, stating therein '*consent to establish from DPCC (for industrial/commercial). building completion certificate/architect certificate for height of building (building structure bg 45 tin sheet applicant supply running on bg12345 as a sewing work and cloth cutting work and cloth godown and service length 15 m and cable size 425 DPCC and BCC required than loan enhancement feasible DPCC and BCC required*'.

OP further added that on site visit it was found that building consists of basement ground plus five floors over it. The fifth floor is of tin sheet. The building is commercial in nature and is in use of the complainant and supplied electricity through the existing connection for sewing work and cloth cutting work and also as cloth godown.

It is also their submission that as stitching work is running at site with more than 25 sewing machines as such Certificate from Delhi Pollution Control Committee is required. As there are effective six floors as such building height is more than 15 meters, accordingly the applicant is required to provide NOC from fire department or Building completion Certificate (BCC) in lieu thereof.

3. LR of the complainant submitted DPCC certificate along with his rejoinder and submitted that the connection against which load enhancement is required is installed at the ground floor, thus there is no need to submit BCC. He also submitted that height of building is less than 15 meters.

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4. LR of the OP submitted that as per Regulation 17(1)(2) of DERC Supply code 2017 the complainant has to complete the commercial formalities as per that of new connection for load enhancement. Since the height of the building is more than 15 meters the complainant has to submit fire clearance certificate or building completion certificate.

5. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue

17. Existing connections:-

(2) Load Enhancement on the request of consumer:- (i) The applicant shall apply for load enhancement in the format notified in the Commission's Orders. (ii) The procedure as laid down in Regulation 11 for release of electricity connection shall be followed. (iii) If the effective date of load enhancement falls between the billing cycles, the Licensee shall raise the bill on pro-rata basis during that billing cycle.

6. In view of the above, we observe that the complainant has applied for load enhancement from single phase to three phase upto 11 KW. He also submitted DPCC certificate as required by OP. OP has asked for fire clearance certificate or building completion certificate since the height of the building is more than 15 meters. OP also in its reply has submitted that the fifth floor is of tin sheet. It is clear that fifth floor is temporary structure.

7. Keeping the lenient view towards the complainant since the complainant already had a connection and only asked for load enhancement that upto 11 KW, this Forum feels that load enhancement can be given to the complainant. Also, the structure on the fifth floor is temporary which should not be taken into consideration.

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8. Therefore, we are of considered opinion that OP should enhance the load to the complainant from single phase to three phase upto 11 KW after completion of other commercial formalities.


ORDER

The complaint is allowed. OP is directed to enhance the load to the complainant within the stipulated time period as per DERC Regulations 2017.

OP is also directed to file compliance report within 21 days from the date of this order.

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

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CGRF (BYPL)


(H.S. SOHAL)
MEMBER