

**C A No. Applied for
Complaint No. 217/2023**

In the matter of:

Mohd YunusComplainant

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)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Prama Kakkar & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 30th May 2023

Date of Order: 01st June, 2023

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

1. This complaint has been filed by Mohd Yunus, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Mohd Yunus applied for new connection vide request no. 8006238451 at his premises no. N-8-A, GF, Laxmi Nagar, Delhi-110092.

Attested True Copy

Secretary
CGRF BYPL




1 of 5

Complaint No. 217/2023

He further submitted that respondent rejected his application for new connection on pretext of connection already exists at site but complainant alleged that he wants new connection for his shop on ground floor and the connection which respondent alleged is for parking and staircase purpose only.

3. The respondent in reply briefly stated that the applicant applied for new electricity connection for shop at stilt parking claiming the saem as ground floor of property bearing no. N-8-A, Laxmi Nagar, Delhi-92 vide application no. 8006238451.

OP further submitted that deficiency letter was issued as Ground floor i.e. stilt parking is already electrified through connection bearing CA No. 153957732. The premises have stilt parking and four floors over it. All the floors including parking area are having electricity connections. The total height of the building is less than 17.5 meters. The earlier connections were granted as the ground floor is taken as stilt parking area. As per norms one electricity connection is already sanctioned for parking in the name of the complainant.

It is also OP's submission that at the time of release of earlier connections, the ground floor was shown as parking.

4. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
5. Representative of the complainant rebutted the contentions of the respondent as averred in their reply. He further submitted that all the floors are electrified except one shop which is situated at ground floor and as per 6th Amendment; the complainant is entitled to get release the electricity connection for the shop in question.

Attested True Copy


Secretary
CGRF (BYPL)




2 of 5

Complaint No. 217/2023

6. In this record, LR of OP submitted that the complainant has constructed the shop after the release of all the connections on all floors of the building. The complainant has shown parking at the ground floor at the time of release of new domestic connections on the other portions of the property. In terms of Regulation 10 New electricity connection can be provided on applicant filing the duly filled forms for the new application connection as duly approved by DERC. As per the said form the applicant undertakes that the dwelling unit where electricity connection is applied is within the height of 15 meters without stilt parking/17.5 meters with stilt parking of the building. The same is in terms of letter dated 31.05.2019 issued by Delhi Electricity Regulatory Commission (Supply code and Performance Standards) Regulations 2017 pertaining to height of a building.
7. The main issue in the present case is whether the new connection can be issued to the complainant when already domestic connection is energized in the same premises on the same floor.
8. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.
9. DERC (Supply Code and Performance Standards) Regulations, 2017, Regulation 10 New and Existing Connections:- (vi) Wherever, one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant.

Sachin

[Signature]

3 of 5

Attested True Copy

[Signature]
Secretary
CGRF (BYPL)

Complaint No. 217/2023

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.

The notification of DERC vide no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019 is only for residential building and not for commercial buildings in which it clearly clarifies that 17.5 meter height of the building alongwith stilt building only for residential purpose, not for commercial purpose. The relevant portion is mentioned below:

4.DISCOMs have also informed that the buildings are being constructed in Delhi with stilt parking Clause 4.4.3 of the MPD 2021, the maximum height of a building in a residential plot plotted housing is mandated is as under:

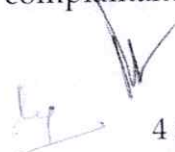
"Height: Maximum height of the building shall be 15 M in plots without stilt parking and 17.5M in plots with stilt parking. Such residential building shall not be considered as high rise building. For purpose of fire and life safety requirements, clearance of Fire Department will be obtained by the Individual plot owner."

10. From the perusal of evidence placed on record, we are of the considered opinion that since already a connection is installed in the applied portion therefore, new connection cannot be granted to the complainant. The OP cannot be compelled to release the new connection to the complainant.

Attested True Copy

Secretary
CGRF (BYPL)






Complaint No. 217/2023


ORDER

Complaint is rejected. The OP has rightly rejected the application of the new connection of the complainant.

The 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)


(P.K. SINGH)
CHAIRMAN

5 of 5

Attested True Copy

Secretary
CGRF (BYPL)