



C A No. Applied For
Complaint No. 14/2022

In the matter of:

Tasleema & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mrs. Monika Taneja, Member (CRM)

Appearance:

1. Ms. Tasleema, Complainant
2. Mr. Imran Siddiqi and Mr. Jagatheesh Kannan, On behalf of BYPL

ORDER

Date of Hearing: 21st March, 2022
Date of Order: 28th March, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection and the respondent company rejected her applications for new connection.

The complainant's grievance is that she applied for four new electricity connections at her premises vide request no. 8005078399, 8005074666, 8005078329 and 8005074705 on dated 12.08.2021, but the respondent company rejected all the applications for new connection on ground of "building height

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more than 15 meters, Ownership dispute/court case and address in MCD objection list". Therefore, she requested the forum to direct the respondent to release her electricity connections.

Notices were issued to both the parties to appear before the Forum on 21.02.2022.

The respondent in their reply stated that the applicants applied for new electricity connections vide application no. 8005074666 at T-273, SF, Qasab Pura, Idgah Road, Sadar Bazar, Delhi-110006, application no. 8005074705 at T-273, FF, Qasab Pura, Idgah Road, Sadar Bazar, Delhi-110006, application no. 8005078329 at T-273, Fourth Floor, (back Side) Wasab Pura, Idgah Road, Sadar Bazar, Delhi-110006 and application no. 8005078339 at T-273, FF, (front side), Qasab Pura, Idgah road, Sadar Bazar, Delhi-110006. Respondent further added that litigation regarding ownership dispute is pending in Tiz Hazari court at the applied premises between the family members and DDA is also a party in the said suit and DDA in their reply has stated that the applicant is not the owner of the said premises.

It is also their submission that during site visit it was found that applied premises for which the new electricity connections applied is appearing in the objection list of EDMC. It is further added that same site energy dues and enforcement dies also exist. Energy dues amounting to Rs. 2081/- against CA No. 100411838 and energy dues Rs. 5589/- against CA No. 100412021 are required to pay and enforcement dues also of Rs. 44121/- against CA No. 401268017 is required to be paid by the complainant.

The matter was listed for hearing on 21.02.2022, when respondent submitted their reply and raised objections that she is not owner of the applied premises,

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the premises where connection is sought is appearing in MCD objection list and also fire clearance certificate is required.

Respondent has not filed height of the building; they are directed to provide the same. Complainant was directed to produce all the documents including ownership papers. Respondent has not clarified in their reply that building is either commercial or residential or mixed building.

The matter was again heard on 02.03.2022, when both the parties were present and Complainant along with her complaint has filed relinquishment deed dated 05th May 2010 of her sons and daughters after the demise of her husband. Complainant applied for new electricity connection but respondent rejected same on certain grounds. Respondent has to clarify the following points:-

- Respondent has to specify the height of the building where new connections are applied.
- Ownership issue
- Regarding objection of EDMC, with specific answers.

Complainant also submitted EDMC completion certificate. Respondent was directed to try to resolve the matter amicably with the complainant.

Complainant's son Mohd Tauseef, submitted an application before the Forum to make him party in the present matter. Forum accepted his application and Mohd. Tauseef is made party in the present matter. He in his application has objected that the property where connection is sought is booked by SDMC. He also submitted in his application that already there are two commercial connections in the said property. Respondent was asked to clarify the same.

The matter was finally heard on 21.03.2022, when complainant submitted that she is ready to pay the dues pertaining to CA No. 100411838, CA no. 100412021

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& CA no. 401268017 without LPSC. Respondent was also directed to release the new connection to the complainant within three working days after making payment of the dues by the complainant. Arguments were heard and matter was reserved for orders.

Respondent company vide their mail dated 24.03.2022 submitted that their officer visited the site and found two meters at site meter no. 35619802 (GF commercial) and meter no. 55333073 (GF Commercial), hence building is commercial.

The main issue in the present case is whether the connections can be granted in the mix building 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 applied for new electricity connections at premises no. T-273, Qasab Pura, Idgah Road, Sadar Bazar, Delhi-110006.
- That respondent rejected her applications for new connection on pretext of energy dues; height of the building is more than 15 meters and ownership dispute, address in MCD objection list.
- That the complainant submitted copy of relinquishment deed dated 05.05.2010 in her favour by all her children.
- The complainant also submitted building completion certificate from SDMC dated 06.09.2021 and file no. 10091412.
- During the course of arguments in the Forum the complainant also submitted that she is ready to pay the outstanding dues pending against her premises for release of new connection.
- Mohd Tauseef, the son of complainant also objected that the said premise is booked by SDMC but the complainant has submitted completion certificate from SDMC.

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- Mohd Tauseef also objected that they are having ownership dispute case pending at other court.

As above we are of the considered opinion that although the complainant is ready to clear the outstanding dues pending at the building (which does not even pertain to him) and had also submitted Completion Certificate from SDMC, but as per the submissions of son of the complainant and respondent the building where complainant has sought connections is mix building where both commercial and domestic activities are going and the height of the building is 16 meters and booked by EDMC.

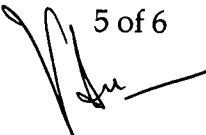
At the time of passing orders the Forum vide their mail raised a query from respondent to clear what type of building it is whether commercial or residential for release of new connection. Regarding the dues pending on the building the enforcement dues should be recovered from the concerned person/booked person and energy dues should be charged as per law.

The notification of DERC vide no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019 it is clarified that the distribution licensee for release of electricity connection shall not insist for fire clearance certificate for the residential buildings having height upto 15 meters without stilt parking and 17.5 meters with stilt parking. The measurement of the height of the building shall be made in accordance with clause 1.4.16 and 7.19 of Unified Building Bye-Laws for Delhi 2016.

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.

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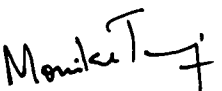
We are of considered opinion that building is mix type where shops are on the ground and residential on other floors and for release of new connection the Fire clearance is required. Regarding ownership the complainant is owner as per Relinquish deed dated 05.05.2010 by all sons and daughters of complainant. And court case pending in Tiz Hazari that there is no stay or status quo by the court of law and EDMC objection list. The complainant had already filed the No Objection Certificate.

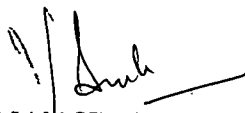
Therefore, we direct

- Respondent is advised in future that every aspect of the building whether commercial or residential should be cleared.
- Respondent is directed to release the connection if the complainant submits the Fire NOC and complete commercial formalities as per DERC Guidelines 2017.

The case is disposed off as above.

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


(MONIKA TANEJA)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)
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