

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com
SECY/CHN 01/5/08NKS

C A No. Applied for
Complaint No. 184/2022

In the matter of:

Neeti BhatiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Ms. Neeti Bhati, Complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Ms. Shweta Chaudhary, Mr. Prateek Pahawa & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 20th December, 2022
Date of Order: 26th December, 2022

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

1. This complaint has been filed by Neeti Bhati against BYPL-CCK.
2. The brief facts of the case giving rise to this grievance are that complainant Neeti Bhati applied for new electricity connection vide application no. 8005813690 in the name of Neeti Bhati at house no. H.No. 1267, SF, Gali Rang Mahal, Behind Novelty Cinema, Delhi-110006. She

Neeti Bhati *G. R. Khan* *P. K. Agrawal* *by* 1 of 5

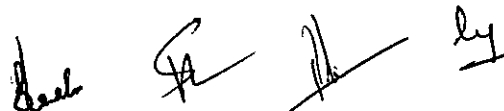
Complaint No. 184/2022

also submits that respondent rejected her application for new connection without mentioning any reason and have released the new connection in her area in the same circumstances,

3. The respondent in reply briefly stated that complainant applied for new electricity connection at premises no. 1267, Second Floor, Gali Rang Mahal, Behind Novelty Cinema, Chandni Chowk, Delhi-110006. The new electricity connections were applied by the applicant vide request no. 8005813690. During site inspection, it was found that height of the commercial building wherein the new electricity connection applied is more than 15 meters having GF to 4th floor. That for building having height more than 15 meters without stilt parking as in terms of Supply code 2017, a fire clearance certificate is required.

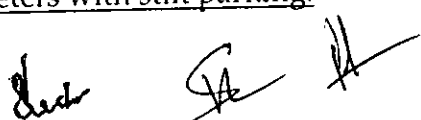
OP further submitted that the application of new connection of the complainant was rejected due to address of the premises for which the new electricity connections applied appearing on the objection list of EDMC as per MCD letter no. D-169/EE (B)-11 CITY-S.P. Zone/2021 dated 21.09.2021 has booked for unauthorized construction with remarks of u/c at Second and third floor.

4. Heard both the parties and perused the record.
5. The issue in this matter is can new connection be released in the premises which are booked by Municipal Corporation and where the height of the building is more than 15 meters.

 2 of 5

Complaint No. 184/2022

6. Heard the arguments of Representative of the complainant and OP-BYPL. Representative of the complainant has submitted that she purchased the said property on 17th September 2020 through sale deed from Sh. Satya Pal and applied for new connection on the second floor of the premises no. 1267, Second Floor, Gali Rang Mahal, Behind Novelty Cinema, Chandni Chowk, Delhi-110006. It is also her contention that second floor is within the permissible limit and does not cross the height of 15 meters. She further added that earlier an electricity meter having CA No. 100212484 in the name of Sham Dass was installed at the said premise and was disconnected in the year 2015. The Complainant also requested the forum if the old connection installed at the premise can be re-connected.
7. In this record, LR of OP submitted that the premises of the complainant is booked by MCD on 21.09.2021 vide NDMC file no. D-169/EE(B)-JI/City-S.P. Zone/2021 and they want building completion certificate from MCD for release of new connections. OP also submitted that the connection installed at the premises vide CA No. 100212484 was disconnected in the year 2015 which has become dormant and as per Regulations same cannot be re-connected. OP further submitted that the premises where new connection is applied for is mixed building having domestic and commercial connections.
8. As far as legal position is confirmed 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.

 3 of 5

Complaint No. 184/2022

9. Also, Water and electricity are integral part of right to life. Hon'ble Supreme Court in the case of Dilip (Dead) LR vs Satish, SCC online SC810 dated 13.05.2022 has held that "electricity is basic amenity which a person cannot be deprived off".
10. Brief facts necessary for disposal of this complaint are that Neeti Bhati applied for new electricity connection at premises no. 1267, Second Floor, Gali Rang Mahal, Behind Novelty Cinema, Chandni Chowk, Delhi-110006 vide application no. 8005813690 for above mentioned address but OP rejected her application for new connection on pretext that the premises are booked by MCD. OP also objected that the height of the building where new connection is applied for is more than 15 meters.
11. From the perusal of record placed before us and pleadings of both the parties we observe that already a new connection was installed in the premises where the complainant has sought new connection. It also came to the knowledge of the Forum that the complainant purchased one room set through sale deed dated 17.09.2020 and later on encroached one more room in the balcony area. Only the extended portion of the premises is booked by MCD and not the entire premises.
- Regarding OP's other objection that the height of the building is more than 15 meters, here in the present case the complainant's premise is old construction and on the second floor. The portion of the complainant comes within the prescribed limit of 15 meters as per DERC Regulations 2017.

Seals

[Signature]

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4 of 5

Complaint No. 184/2022

12. Therefore, we are of the opinion that the new connection to the complainant can be released with the condition that at the time of release of new connection the complainant should file an affidavit that if MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.


ORDER


The complaint is allowed. OP is directed to release the new connection to the complainant as per above stated directions and completion of all the necessary commercial formalities.


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

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)


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


(P.K. SINGH)
CHAIRMAN