



C A No. Applied For  
Complaint No. 274/2023

In the matter of:

Syed Ovais Saeed .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Nishikant Ray, Counsel of the Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Seema Rawat & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER



Date of Hearing: 05<sup>th</sup> September, 2023

Date of Order: 11<sup>th</sup> September, 2023

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

1. This complaint has been filed by Mr. Syed Ovais Saeed against BYPL-DRG.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Syed Ovais Saeed applied for new electricity connection vide request no. 8006226355.

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Secretary  
CGRF (BYPL)

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At premises no. 4284/3, 4<sup>th</sup> floor, Ansari Road, Right Hand Daryaganj, Delhi-110002, but respondent rejected the application of the complainant for new connection on the pretext of fire safety clearance required (Basement+G+5) floor, miscellaneous building and lift fitness certificate required, but complainant alleged that property is constructed on ground floor which is parking and total building height is 17.5 meters.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection at premises bearing no. 4284/3, 4<sup>th</sup> floor, Ansari Road, Right Hand Daryaganj, Delhi-110002. The complainant applied for new connection vide order no. 8006226355 under domestic (DX) category claiming that his flat is on fourth floor however, on site visit the flat was found to be on fifth floor.

On site visit premises were found to be consisting of basement, Ground Floor as parking area and five floors over it. As such deficiency letter was issued asking for fire clearance certificate as well as lift fitness certificate.

The complainant insisted for re-visit of site, OP on 17.06.2023 visited the site and premises were found locked. Then again on 21.06.2023 site was visited on request of the complainant, this time again the premises of the complainant were found locked.

OP further added that premises sought to be electrified was found to be on fifth floor as such as per new guidelines no new connection can be provided till the complainant allows revisit and submits Architect Certificate of duly approved MCD architect regarding height of building as on the ground floor of the building parking was found.







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4. Representative of the complainant submitted his rejoinder rebutting therein the contentions of the respondent as averred in their reply and submitted that fire clearance certificate is not required as the building is below 15 meters height and there is parking on the ground floor, thus building is under 17.5 meters of height.
5. During the course of hearing both the parties were directed to conduct joint site visit. The site visit report stated that the site was visited on 25.08.2023 and building structure was found to be basement + ground+ five floors. Give contact number was tried many times but same was not reachable. At the time of inspection tenant staying showed the fifth floor, the affective floor where complainant applied for new connection is fifth floor not fourth floor. There is basement also where commercial connection is energized. Ground floor is parking and rest first to fourth floor have domestic connection. Therefore, for release of new connection the complainant has to submit Architecture Certificate from authorized architect.
6. As far as legal position is confirmed according to 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.



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ORDER

Complaint is rejected. We are of considered opinion that building is mix type and commercial activity is in the basement. Ground floor is being used for parking; floors from first till fourth are having domestic connection. Therefore, for release of new connection on fifth floor where complainant applied for new connection, the complainant has to submit architect certificate from MCD approved architect.

The case is disposed off as above.

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

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

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