

**C A No. Applied For**  
**Complaint No. 69/2019**

**In the matter of:**

Islam .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

**Appearance:**

1. Complainant
2. Mr. Imran Siddiqi, Mr. Vipul Suthar, Mr. Achal Rathi  
& Mr. B.B. Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 27<sup>th</sup> November, 2019

Date of Order: 28<sup>th</sup> November, 2019

**Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)**

The complainant lodged a complaint in CGRF regarding new connection. The complainant stated that he applied for a new electricity connection vide application no. 008003941451 which was rejected by the respondent on the pretext of building height more than 15 meters and as per DERC Guidelines, Fire clearance certificate is required, moreover, ELCB is also not installed. He made several visits to the office of the respondent but all went in vain. He requested the Forum to direct the respondent company to release new connection at the earliest.

*Harshali*

*Imran Siddiqi*

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Notice was issued to both the parties to appear before the Forum on 30.10.19. The respondent has filed a reply on dated 30.10.19 as under:-

"The complainant applied for new connection vide No.8003941451 dated 18.6.2019. The application of the complainant was rejected after site inspection due to the height of the building in issue being more than 15 meters i.e. height of the building is 16.6 meters and there was no stilt parking at ground floor besides that there was a shop on ground floor. A deficiency letter dated 24.06.19 was issued to the complainant, informing him that building height is more than 15 meters in terms of Supply code 2017 Fire Clearance Certificate is required.

It was also submitted that there is a clarification regarding height of the building. Now in case of stilt parking the height of the building to be taken into consideration is 17.5 m and not 15 m. As in the present case there is no stilt parking as such the building height to be taken into consideration is 15 meters only.


It is pertinent to mention here that during the course of hearing both the parties were directed to hold a joint inspection to ascertain the building height and also to file status report to the Forum.

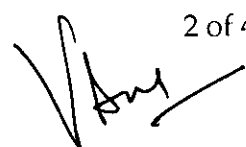
As per directions of the Forum, the respondent visited the site on 26.11.19 and according to site inspection report they were not allowed to measure the building height and were not allowed to go on roof. Building height is more than 15 meters.

There are two main issues in the present case:-

1. One is to release the new connection, and
2. Height of the building.







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Coming to the fact of height of building exceeding 15 meters in our considered opinion in view of the prevalent Regulation and Guidelines of Hon'ble DERC, the connection now only be released after completion of all the necessary formalities required for the building exceeding 15 meters of height by the complainant. Accordingly, as per new Rules and Regulations which are reproduced here under:-

*DERC Regulations 2018, Regulation 7 (2) All multi-storeyed buildings, having a height of more than 15 meters from ground level, shall also comply with Clause 36 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendments thereof.*

*Clause 36 of the Central Electricity Authority, Provisions for supply and use of electricity in multi-storied building more than 15 meters in height:-*

*(1) The connected load and voltage of supply above which inspection is to be carried out by an Electrical Inspector for a multi-storied building of more than fifteen meters height shall be notified by the Appropriate Government.*

*As per Schedule of charges and the Procedure, third amendment order dated 04.07.18, clause 5 of the Declaration which is reproduced here:*

*That the building has been constructed as per prevalent building Bye-laws and the total height of the building*

- (i) Does not exceed 15 (fifteen) meters on the date of seeking service connection;*  
*or*
- (ii) Is more than 15 (fifteen) meters and Fire Clearance Certificate is available with the applicant.*

*The Forum observes that as decided by Hon'ble High Court of Delhi in its judgment dated 29.05.2003 in CWP 2710/1998 and CM 4780/2003 in the matter of Dr. B.L. Wadhwa Vs. Govt. of NCT of Delhi & Ors. has directed that in all high rise building in Delhi and New Delhi, fire safety measures are to be adhered to. In all high rise buildings in Delhi and New Delhi the safety*

*Harshat*

*[Signature]*

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*[Signature]*

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*measures are to be provided. Keeping in mind provision made by-laws and as per these requirements there must be safety measures. In such high rise as contemplated in the by-laws and National Building Code of India 1970. It is further directed henceforth that the respondent shall provide essential services only after recording safety measure that the erection of building is strictly in accordance with the plan. Electricity companies are also directed not to supply electricity unless Form 'C' and 'D' duly signed by the competent authority are obtained and produced before the electricity companies.*

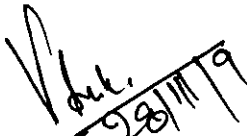
In view of the above facts the Forum observes that the height of the building in the present case is more than 15 meters in which the connection cannot be granted as DERC Guidelines 2018-7 (2). In the present case the joint inspection was directed by the Forum and the report is filed on 26.11.19, in which the building height is more than 15 meters, so the connection cannot be granted as per DERC Guidelines 2018-7 (2) and DDA Master Plan 2001 and 2021.

Hence the complaint is dismissed.

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

  
28.11.19  
(HARSHALI KAUR)  
MEMBER (CRM)

  
28.11.2019  
(ARUN P SINGH)  
CHAIRMAN

  
28/11/19  
(VINAY SINGH)  
MEMBER (LEGAL)