



C A No. Applied for
Complaint No. 102/2021

In the matter of:

KiranComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Dr. Harshali Singh, Member (CRM)

Appearance:

1. Mr. Nishi Kant Ray, Counsel of the complainant
2. Mr. Imran Siddqi and Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 12th October, 2021
Date of Order: 14th October, 2021

Order Pronounced By:- Mr. Arun P Singh (Chairman)

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent rejected her application for new connection.

She also submitted that she is owner/user of built-up property/shop no. 528/4, GF, Katra Ishwar Bhawan, Khari Baoli, Dlehi-6. She purchased the said shop on 28.08.2020 through registered sale deed. All the shops in the building



1 of 4



Complaint No. 102/2021

already have electricity connection but only her shop have no electricity connection. The said building is old and constructed upto ground to second floor and the height of the building is less than 15 meters. The complainant applied for new electricity connection at ground floor on 04.07.2021 bearing application no. 8004966978 but the respondent rejected her application for new connection with the reason "as pr DERC Guidelines Fire Clearance Certificate is required".

She further submits that as per sixth amendment of DERC order dated 15.04.2021 the height of the building is under the limit. Therefore, she requested the Forum to direct the respondent for immediate release of the demand note.

Notices were issued to both the parties to appear before the forum on 12.10.2021.

The respondent submitted their reply stating therein that complainant applied for new commercial electricity connection vide application no. 8004966978 at 528/4, GF, Katra Ishwar Bhawan, Khari Baoli, Delhi-6. During site visit dated 05.07.2021 and 08.09.2021 it was found that height of the building wherein the new electricity connection applied having height of 16.20 meters having GF+4F. Building is joint from 527 to 528 and 528 constructed upto GF+SF having a common staircase between them.

It was also submitted that applied building is commercial building from ground floor to top floor and applied connection is commercial hence benefit of 6th amendment of DERC is not applicable for this connection. Respondent also submitted that for building having height of more than 15 meters, in terms of Supply code 2017, a fire clearance certificate is required.



2 of 4



Complaint No. 102/2021

The matter was heard on 12.10.2021, when both the parties were present. Respondent submitted their reply and copy of the reply was supplied to the complainant. Arguments of both the parties were heard. Both parties were also directed to file their written submissions, if any. Matter was reserved for orders.

The counsel of the complainant submitted his additional submissions on 12.10.2021, refuting therein contentions of the respondent as averred in their reply and stated that there is enough space for installation of new meter and also complainant is ready to pay pro-rata dues of Rs. 348/- for release of new connection. He also gave reference of previous order passed by the Forum in the matter of Mohd. Sajid Vs. BYPL.

There are three main issues in the present matter:-

1. Building height
2. Old electricity dues.
3. Space for meter installation.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we observe as under:

1. As per site inspection report of the respondent, the height of the building where the shop 528/4, GF, Katra Ishwar Bhawan, Khari Baoli, Delhi-6 at which electricity connection is applied by the complainant is situated, is 12.60 meters. The respondent in their submissions has mentioned that adjoining building with common staircase upto first floor is of height 16.20 meters, so these two buildings be considered as one building (joint/twin) with height 16.20 meters.

During the hearing it was clarified that the two buildings are separated by concrete staircase with concrete walls on both sides up to first floor, thereafter separate staircases are there for both the buildings. So, in our opinion the building height where complainant has applied for



Complaint No. 102/2021

electricity connection in the shop on ground floor be considered 12.60 meters as mentioned in the site inspection report itself. The respondent may take an affidavit/undertaking from the complainant that there shall not be any further extension/increase in the height of the building and it shall remain 12.60 meter, failing which the connection shall be disconnected and other actions as per law shall be initiated.

2. The complainant is ready to pay the old electricity dues amounting to Rs. 348/- (on pro-rata basis) as mentioned by the respondent in the deficiency letter.
3. The Deficiency letter shows that there is no space for meter installation. The complainant during hearing mentioned that the connection is applied on GF and space for installation of meter is available. The respondent shall re-check it and if there is no suitable space for meter installation available, the meter shall be mounted on pole with real time-Display Unit at the premises of the complainant as per provisions in CEA (installation & Operation of meters) Regulations 2006.

Accordingly, the respondent is directed to release the electricity connection applied by the complainant after completing necessary formalities as given above and other commercial formalities as per DERC Regulations/Guidelines.

With this matter is disposed off.

The compliance should be reported within 30 days from the date of this order.

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


14.10.21
(HARSHALI KAUR)
MEMBER (CRM)


14.10.21
(ARUN P SINGH)
CHAIRMAN