

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.CIN.01508NKS

**CA No. Applied For**  
**Complaint No. 57/2019**

**In the matter of:**

Swapan Kumar Mondal .....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. Mr. S.B. Pandey, Advocate on behalf of the complainant
2. Mr. Imran Siddiqi, Mr. Devi Lal Dhaka, Mr. Achal Rathi & Mr. B.B. Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 04<sup>th</sup> December, 2019  
Date of Order: 05<sup>th</sup> December, 2019

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

The complainant lodged a complaint in CGRF regarding new connection. The complainant stated that he purchased the premises no. 10-A/10843, 100 Quarters, Balmiki Colony, Karol Bagh, New Delhi-110005, through GPA/agreement to sale/affidavit/receipt which was executed on 11.02.2013. He also stated that since its purchase the property was lying vacant as there was a dispute among the brothers of the complainant. It was also his case that on 25.07.2019 the complainant applied for new connection in his name and the respondent handed over direct theft bill of Rs. 1,68,889/- and asked him to

*Harshali*

*Imran*

*Vinay*

Complaint No. 57/2019

pay the bill. He further stated that the said property is having several floors and the electricity connections are being supplied to all the other occupants except the complainant.

It was also submitted that the direct theft bill is in the name of Mr. Ravi and he is also residing in the same property number at different flat and the complainant had purchased the property from Smt. Kinno Devi w/o Lt. Sh. Hari Chand and Mr. Ravi is nowhere in the property chain. He requested the Forum to direct the respondent company for immediate release of the new connection.

Notice was issued to both the parties to appear before the Forum on 01.10.19. The respondent has filed a reply on dated 30.09.19 as under:-

"The complainant applied for new connection vide No. 8004008576 dated 23.07.2019 at premises no. 10843, SF, Gali No. 1, balmiki Colony, 100 Qtrs., Karol Bagh, New Delhi-110005. 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 approximate 16 meters and as such in terms of Supply Code 2017, Fire Clearance Certificate is required. 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. A deficiency letter was issued to the complainant intimating him to get the fire certificate, which the applicant failed to provide.

During the course of hearing the respondent was directed to provide the details of the theft case which the complainant had mentioned in his complaint. To this the respondent submitted their submissions stating therein that as per their

*Harshali*

*[Signature]*

2 of 5

*[Signature]*

Complaint No. 57/2019

Firstly, the theft bill, report submitted by the respondent dated 23.10.2019, that no theft bill is pending at the premises. 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 measures are to be provided. Keeping in mind provision made by laws and as

*Handwritten signature*

*Handwritten signature*

4 of 5  
*Handwritten signature*

Complaint No. 57/2019

record no theft bill is pending at the time of applying the new connection at the premises no. 10-A/10843, 100 Qtrs., Balmiki Colony, Karol Bagh, New Delhi-110005 against the complainant and the new connection was rejected by BYPL only due to building height more than 15 meters.

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 11.10.19 and according to site inspection report the building height is more than 15 meters (approx 16 meters).

During the court proceedings the respondent was asked to file all the connection report in the building, when they were energized and produce K.No. files of each connection. As per respondent's reply there are two live connection in the same premises.

The complainant filed architect's certificate regarding building height but the Forum asked him to file a proper map of the building. Both the complainant and respondent again mutually decided to measure the height of the building again. As per their report dated 26.11.19, it was mentioned that, 'site was re-visited for re-verification of building height at site address 10843 SF, Gali No. 1, Balmiki Colony, Karol Bagh, Delhi-110005 and found building consists of ground + 4 floors and height is 16 meters. Applicant was present at site.'

There are two main issues in the present case:-

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

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*

Complaint No. 57/2019

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 produce before the electricity companies.

As per CEA (Measures relating to safety and electric supply) Regulations, 2010, Regulation 36 which is quoted as under:-

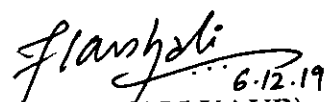
36. Provisions for supply and use of electricity in multi-storied building more than 15 meters in height: -

(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.

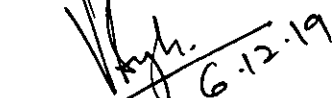
In view of the above facts the Forum observes that the height of the building in the present case is more than 15 meters in which the connection cannot be granted as DERC Guidelines 2018 in Regulation 7 Sub-Regulation (2). In the present case the joint inspection was directed by the Forum and the report is filed on 11.10.19, in which the building height is more than 15 meters, so the connection cannot be granted as per DERC Guidelines 2018 in Regulation 7 Sub-Regulation (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.

  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(ARUN P SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)