



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 015/08NKS

C A No. Applied For
Complaint No. 67/2024

In the matter of:

Ahad Kamran

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 7th May, 2024





Date of Order: 14th May, 2024

Attested True Copy


Secretary
CGRF (BYPL)

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

1. This complaint has been filed by Mr. Ahad Kamran against BYPL-DRG. The brief facts of the case giving rise to this grievance is that the complainant applied for new electricity connection vide request no. 8006676462 at premises no. 4596/6, 4th Floor, Ward No. XI II, Darya Ganj Delhi-110002, but respondent rejected the application of the

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complainant for new connection on the pretext of "Fire Clearance Certificate Required building is constructed in the form of basement + ground + upper ground + four floors, domestic building, applicant applied for fifth floor. To this the complainant submitted that building's height is within limit and in accordance to DERC guidelines.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking a domestic connection on the fourth floor of property no. 4596/6, Ward No. XI, Daryaganj, Delhi. The complainant had applied vide request no. 8006676462 and the application of the complainant was rejected due to the want of a Fire Safety Clearance as the building height is taken to be more than 17.5 meters with stilt parking as building structure consists of a Basement, Ground Floor, UGF, FF, SF, TF, and 4th Floor over it. Thus fourth floor is effective 5th floor.

Upon inspection of the subject premises, it was found that six electricity connections are installed in the building, the details whereof are mentioned below:

S. No.	CA No.	R/C	Floor
1	153283195	Mohd. Mohiuddin Danish	Basement
2	153235768	Md. Qudsia Shahwar	G/F Parking
3	153235765	Mohd. Mohiuddin Danish	UGF
4	153235767	Najma Begum	FF
5	153235771	Md. Khavar	SF
6	153235766	Ghazala Nighat	TF

Attested True Copy
[Signature]
Secretary
CDP (NCT)

As per the property documents submitted by the complainant, the complainant and his wife are the joint owners of the floors constructed above the third floor. Further, the NOC by Almas Ahmed w/o the Complainant is in favor of one Sh. Adnan Ahmed. ~~Therefore,~~

[Signature]

[Signature]

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The complainant is also required to obtain NOC in his favour. To seek a Domestic connection on the applied portion, the complainant is required to produce a Fire Safety Clearance Certificate from the concerned department or the BCC or NOC in lieu thereof as from the site visit dated 21.01.2021 it is clear that the building height till the third floor is 16.8 meters with stilt parking.

3. In response to the reply, the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply. The counsel for the complainant stated that building height is below 15 meters, so there is no requirement of BCC/NOC.

4. OP along with their reply has submitted a site visit report which is dated 20.01.2021. In the said site visit report the building has basement + parking/GF + UGF + 1st floor + 2nd Floor + 3rd floor and the height of the building was 16.80 meters.

Since the site visit placed on record is old thus both the parties were directed to conduct joint site visit again.




Site visit dated 22.04.2024 was placed on record but said report cannot be relied upon as the height of the building was not mentioned in it. OP was directed to provide the height of the building.


5. Arguments of both the parties were heard.

6. From the perusal of the documents placed on record and the mail of OP dated 13.05.2024, in which another site visit report dated 08.05.2024 was placed which shows height of the building is approx 18.7 meters. The mail also mentions that the height of the building is from ground floor to top floor.

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CGRF (BYPL)

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7. 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.
8. In view of the above, we are of considered opinion, that as per DERC Sixth Amendment, buildings having parking at ground floor should not have height more than 17.5 meters and in the present case the height of the building is 18.7 meters which is more than the prescribed limit.
9. Therefore, we are of considered opinion that the complainant cannot be given benefit of the sixth amendment as above.


ORDER

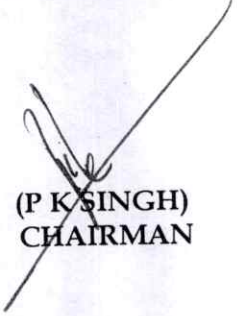
The complaint is rejected. OP has rightly rejected the application of the complainant of the new connection. This Forum is unable to give any relief to the complainant.


The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER

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Secretary
CGRF (BYPL)