



C A No. Applied For  
Complaint No. 295/2024

In the matter of:

Anita Gupta .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

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

Appearance:

1. Mr. Anil Jain, A.R. of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

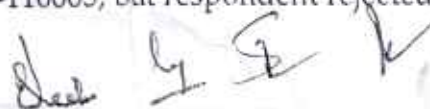
Date of Hearing: 08<sup>th</sup> August, 2024  
Date of Order: 13<sup>th</sup> August, 2024

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

1. The complaint has been filed by Ms. Anita Gupta against BYPL-Paharganj. The brief facts of the case giving rise to this grievance are that Ms. Anita Gupta applied for new electricity connection vide request no. ONPHG0105240498, 8006934535 and Old No- 8006551247 at premises no. 485 to 487 and 807, 2<sup>nd</sup> floor Bartan Market, Sardar Bazar Delhi-110005, but respondent rejected the

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CGRF (BYPL)



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application of the complainant for new connection due to fire safety clearance required for building height (more than 15 mtr). Building having ground plus four floors including mezzanine floor (business building). Therefore, she requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking new electricity connection at property bearing no. 485 to 487 and 807, 2<sup>nd</sup> floor Bartan Market, Sardar Bazar Delhi-110005, vide request no. ONPHG0105240498, 8006934535 and Old No- 8006551247. On inspection of the said premises, it was discovered that there are several deficiencies which are in direct violations of the DERC. It is pertinent to note herein that the complainant has applied fresh NX connection for second floor of the applied premises but the complainant failed to furnish NOC from the fire department as mandated under the provisions of the DERC Regulations 2017.

The height of the applied premises which has a structure G+5 commercial structure having a height more than 15 meters and the complainant is seeking a new NX connection. Hence, NOC or BCC or Fire Clearance and valid Architect Certificate, etc from concerned departments, etc, all of which are mandated is must for grant of new connection.

3. In response to the reply the complainant filed rejoinder. The complainant has applied one new electricity connection at premises bearing 485 to 487 and 807, 2<sup>nd</sup> floor Bartan Market, Sardar Bazar Delhi-110005. The building mentioned in the complaint, has 13 shops on the ground floor, and each shops has its own separate meter, There is only one meter installed on 2<sup>nd</sup> floor, which belongs to the person, who has another portion on the 2<sup>nd</sup> floor.

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4. Respondent has mentioned that this building has a mezzanine floor, which is not the case. There is no mezzanine floor in this building. It has only the ground floor and 4 floors. The shop owner has made a "taand" inside the shop itself in which the employee of the shop owner lives. The entrance to the said "taand" is from the staircase. The building has 17 separate meters installed in it, already.
5. From the narration of facts and material placed before us, we find that the OP has placed on record two site visit reports, first report is inspection report dated 22.09.2023 done at the time of new connection request which shows building height is 15 meters and BCC certificate of building/premises if building is more than 15 meters and the answer is NO. The building height shows height of the building without stilt is less than 15 meters. OP placed on record another site visit report dated 31.07.2024 which shows building height is 18.5 meters.
6. From the perusal of both the site visit reports, it is evident that there are contradictions in both reports and OP has already released 17 connections in the applied building without considering the height of the building. Regarding the objection of OP that there is a mezzanine floor which makes the height of the building more than 15 meters, in this regard it is clearly evident from the site map that the so called mezzanine floor is only temporary structure and that too only on the one side of the property and this temporary structure does not affect the height of the building. Therefore, this basis of rejection of application of the complainant's application for new connection cannot be taken into consideration and complainant cannot be deprived off his right to electricity.

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7. Water and electricity is integral part of right to life. Hon'ble Supreme court in the matter of Dilip (dead) LR Vs Satish, in the case no. SCC 810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.


ORDER

Complaint is allowed. Respondent is directed to release the connection applied by the complainant vide request no. 8006934535 at his premises no. 485 to 487 and 807, 2<sup>nd</sup> floor, Bartan Market, Sadar Bazar, Delhi-110005 after completion of all other commercial formalities as per DERC Regulations 2017.


OP is further directed to file compliance report within 21 days from the date of this order.

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

  
(P.K. SINGH)  
CHAIRMAN

  
(P.K. AGRAWAL)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

(H.S. SOHAL)  
MEMBER