



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

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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 222/2024

In the matter of:

Ashok Kumar Malhotra

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi (CRM)
3. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Chhavi Rani, Mr. Akshat Aggarwal & Mr. Lalit, On behalf of BYPL

ORDER

Date of Hearing: 03rd October, 2024

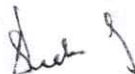
Date of Order: 07th October, 2024

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

1. This complaint has been filed by Mr. Ashok Kumar Malhotra against BYPL-Chandni Chowk. The brief facts of the case giving rise to this grievance is that the complainant applied for new connection vide request no. 8006767175 at premises no. 1858-1863 and 1882-1887, pvt. No. 34 & 35, 1st floor, Mahalaxmi Market, Bhagirath Palace, Chandni Chowk, Delhi-110006, but respondent rejected the application for new

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connection on pretext of Building height is more than 15 meters (GF+4 commercial units and 5th floor has multiple tin-shed having area approx 100 sq yards, fire clearance certificate required and pro-rata dues of Rs. 4581/- is also required to pay.

2. The respondent in reply briefly stated by the way of present complaint the complainant has sought new electricity connection for the first floor of the property bearing no. 1858-1863 and 1882-1887, pvt. No. 34 & 35, Mahalaxmi Market, Bhagirath Palace, Chandni Chowk, Delhi-110006. However, as per the photographs taken at site, it is transpired that the subject premises is a shop having no. 9.

The complainant has requested for a non-domestic connection for 11 KW load vide request no. 8006767175. At the time of site verification it was found that the said building is a commercial building having building structure of the ground floor and five floors over it. On fifth floor i.e. the top floor, multiple tin sheds were found covering an area of approx 100 sq yards.

Reply further submits that in the subject building there are 16 non-domestic (NX) connections are existing.

3. Counsel for the complainant in its rejoinder refuted the contentions of respondent as averred in their reply and stated that the building is constructed from ground till four floors and above it is a small temporary tin-shed which has been placed by owner of the fourth floor. Rejoinder further states that OP has released a new NX connection on the building of the complainant in April 2022 vide CA no. 153732111, which is also mentioned in reply filed by OP. Rejoinder also denies pro-rata dues of CA no. 10050947 and stated that the building structure is ground plus four floors and same is under 15 meters hence no BCC is required from the concern authority.

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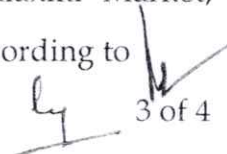
Complainant submitted written arguments, reiterating therein his original complaint and the rejoinder. Alongwith written arguments the complainant has submitted an order of the Forum in the matter of Rajat Aggarwal Vs BYPL, wherein the Forum has directed the OP to release the new commercial connection.

4. Arguments of both the parties were heard at length.
5. From the narration of facts and material placed before us we find that the complainant applied for new commercial connection at first floor of premises no. 1858-1863 and 1882-1887, pvt. No. 34 and 35, Mahalaxmi Market, Bhagirathi Palace, Chandni Chowk, Delhi-110006 which was rejected by OP on the ground that height of the building is more than 15 meters as the building structure is G+4 and having a temporary structure at the fifth floor, thus making height of the building more than 15 meters. The complainant in support of his contention has also placed on record an Architect Certificate dated 11.09.2024. The said Architect Certificate is showing building height till fourth floor and has not mentioned any details regarding the temporary structure at the top floor. For confirmation of the plea of the complainant, OP was directed to file the K.No, file of the connection released by them in the year April 2022. The temporary structure/tin-shed on the top floor should not be considered in measuring the height of the building. OP itself has also released the new connection in the same building in the year 2022. Thus complainant cannot be deprived off his right for electricity.
6. In view of the above, we are of considered opinion that the complainant has applied for non-domestic connection on first floor of premises no. 1858-1863 and 1882-1887, pvt. No. 34 and 35, Mahalaxmi Market, Bhagirathi Palace, Chandni Chowk, Delhi-110006 and according to

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aforesaid, it is clearly mentioned that in the buildings where height within 15 meters, licensee shall not insist for fire clearance certificate as first floor is within 15 meters of height and complainant has applied for non-domestic connection, the same may be granted.

7. Therefore, in the present case the complainant has applied for new electricity connection on the first floor which is within the height of 15 meters therefore, we are of the view that the respondent may be directed to provide the non-domestic connection.


ORDER


The complaint is allowed. OP is directed to release the new electricity connection to the complainant under non-domestic category as applied for, vide request no. 88806767175 at premises no. 1858-1863 and 1882-1887, pvt. No. 34 and 35, Mahalaxmi Market, Bhagirath Palace, Chandni Chowk, Delhi-110006. This Order shall be complied with within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.


The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K. SINGH)
CHAIRMAN

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