

C G R F



B Y P L

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
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SCEYCHN 05/98585

C A No. Applied for
Complaint No. 205/2024

In the matter of:

Beena Devi

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Lalit, on behalf of respondent

ORDER

Date of Hearing: 20th August, 2024

Date of Order: 22nd August, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006826164 at premises no. C-128 and new no. C-275, 4th floor (top), Gali No. 8, Kumaon Square, Kh. No. 811, West Vinod Nagar, Delhi-110092, but respondent rejected her application for new connection application for want of BCC from MCD and fire clearance certificate as building height is more than 15 meters and meter already exists.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new electricity connection under domestic category on fourth floor of premise no. C-128 and new no. C-275, Gali No. 8, Kumaon Square, Khasra No. 811, West Vinod Nagar, Delhi vide request no. 8006826164. Reply further states that site of the complainant was visited and it was found that the building structure consists of GF + UGF + four floors over it. The applied floor is fourth floor and effective sixth floor if the ground floor is counted as the first floor.

Reply further states that the site of the complainant was visited and it was found that the applied premises are booked by MCD. A list bearing number EE(B)-II/SH.(s)/2018/D-2051 dated 10.09.2018 received on 12.09.18, wherein subject property is mentioned at serial no. 93. One more list bearing no. EE(B)-II/SH.(s)/2018/D-3303 dated 12.11.2018 was circulated and forwarded to the respondent on 19.11.2018, wherein property of the complainant is mentioned at serial no. 24. In both the lists, it has been stated that unauthorized construction in the shape of GF, FF and SF with projection on MPL land.

Reply also states that besides the MCD objection, applied floor is effective 6th floor therefore, the building height may be more than 15 meters and as such the complainant is required to produce a fire safety clearance from the concerned department or a Building Completion Certificate or NOC.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the OP received the first MCD list on 12.09.2018 and in the month of November 2018, OP has released 10 new connections in the same premises. After receipt of second MCD list on 19.11.2018, OP released two more connections on 11.12.2018 and 29.11.2018.

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Regarding the height of the building, the complainant stated that he has applied for new electricity connection on the fourth floor of the building and in this regard he is ready to submit Architect Certificate.

4. Arguments of both the parties were heard at length. During the course of arguments complainant submits Architect Certificate and OP objected that the Architect certificate filed by the complainant is not genuine as the details of the building construction shows stilt parking, upper ground floor, first floor, second floor, third floor and fourth floor. Whereas, the actual building structure is ground plus five floors over it. On ground floor there exists one dwelling unit and parking, then upper ground floor, first floor, second floor, third floor and fourth floor.
5. From narration of facts and material placed before us we find that OP raised two fold deficiencies for rejecting application of the complainant for new connection. Firstly - The building is appearing in MCD booking lists dated 10.09.2018 and 12.11.2018. Secondly - The complainant has applied for new connection on fourth floor which as per building status is effective sixth floor.
6. Regarding first objection of OP of MCD booking twice in the same year, complainant stated that despite booking by MCD, OP has released many connections in the said building. In this regard, OP stated that till December 2018, they were releasing connections in the MCD booked premises, but after the directions of Hon'ble High Court of Delhi in Parivartan Foundation, OP stopped releasing connections in MCD booked premises.

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Regarding second objection of OP of building height more than 15 meters, complainant states that his building has been divided into two parts and one portion has flat in ground floor whereas his portion has parking in ground floor, thus he is entitled to be benefited with the DERC Sixth Amendment Regulations, according to which in the premises where ground floor is parking, then height of the building is to be considered 17.5 meters for release of new connections and he has submitted Architect certificate in this regard also.

OP states that their site visit report clearly shows that building structure is ground floor, upper ground floor, first floor, second floor, third floor and fourth floor. On the ground floor there is one dwelling unit and two meters are already installed vide meter no. 35576593 and 35569614. Thus the contention of complainant that they are two separate units is denied and complainant cannot get benefit of sixth amendment under DERC Regulations.

7. In view of the above, we are of considered opinion that it is admitted fact that building is booked by MCD and the earlier released connections in the building are prior to the December 2018, till that time OP was releasing connections in the MCD booked premises.

Regarding the height of the building, the Architect certificate submitted by the complainant shows stilt parking on ground floor but there is one dwelling unit at ground floor and two electricity connections already exists which is also admitted by the complainant. The complainant's contention that both the buildings are separate cannot be relied upon as the complainant has not placed any proof in support of his contention.

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8. In view of the above, we are of considered opinion that the new electricity connection as applied by the complainant cannot be granted.

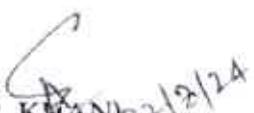
ORDER

Complaint is rejected. OP has rightly rejected the application of the complainant for new connection. For release of new electricity connection, the complainant has to submit BCC against the objection of MCD and also file Fire Clearance Certificate as the height of the building is more than 15 meters.

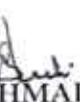
The case is disposed off as above.

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


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN) 22/2/24
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER