

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 013/08NKS

C A No. Applied for  
Complaint No. 03/2025

In the matter of:

Bharat Bhushan

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. S.R. Khan, Member (Technical)
3. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. Bharat Bhushan, Complainant
2. Mr. Akash Swami, Mr. R. S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 11<sup>th</sup> March, 2025

Date of Order: 12<sup>th</sup> March, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8007283746 at premises no. 32 & 33, Mpl. No. 8, FF, Kucha, Chandni Chowk, Delhi-110006 but respondent rejected the application of the complainant on the grounds of building height is more than 15 meters (G+5 ) and commercial building. The complainant further submitted that building structure is G+4 and a small mezzanine floor.

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*Bhushan*

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OP has asked him to submit fire safety clearance certificate, but fire department is not providing him the same. The complainant stated that he is ready to submit Architect Certificate regarding height of the building.

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new electricity connection under commercial category at 32 & 33, Mpl no. 8, first floor, Kucha Chaudhary, Chandni Chowk, Delhi-110006 vide request no. 8007283746. The said application of the complainant was rejected on account of applied premises having building structure ground floor + first floor + Mezzanine floor + second floor + mezzanine floor + third floor + fourth floor + fifth floor. Reply further stated that around 60% of the total area of the terrace has been covered by the fifth floor of the said premises. The entire premises are commercial in nature; hence requirement of fire NOC is mandatory to secure new connection.

Reply further stated that the complainant has also not filed any necessary trade license/permissions obtained from the competent authorities to start the commercial activity and in the absence of the same no new connection can be granted.

Hence, Violation of the provisions of Electricity Act & Regulations found in respect of DERC (Supply Code & Performance Standards) Regulations, 2017.

3. Complainant in its rejoinder reiterated his original complaint and submitted that he has applied for fire clearance but fire department vide their letter dated 29.11.2024 informed him that Delhi Fire Service does not issue fire safety certificate for installation of electric meter.

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Further mercantile buildings (shops) having height more than 09 meter or the building having more than ground plus two upper stories including mezzanine floor require fire clearance and therefore the local authority is required to provide a reference accordingly.

4. Heard arguments of both the parties at length.
5. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that the height of the building is an issue which is covered under building bye-laws under the jurisdiction of MCD which controls the building activities under DMC Act 1957. MCD collects the NOC or clearance from all outside agencies before it sanctions the building plan.

DERC had clarified the issue regarding height of the building by its circular letter no. F.17 (85)/Engg./DERC/2016-17/5409/487 dated 31.05.2019. In para 2 of this letter DERC had noted submission of Discom's that "DISCOMs have stated that they insist upon fire clearance certificate from the applicant for release of electricity connection based on the application format prescribed by DERC which inter alia states that in case the total height of the building is more than 15 meters, fire clearance certificate has to be obtained by the applicant and is available."

Again on 15.04.2021, DERC issued Schedule of Charges and the Procedure (Sixth Amendment) Order, 2021, reiterating the following:

- (3) In case of residential buildings, for release of electricity connection the Distribution Licensee shall not insist for Fire Clearance Certificate for the residential building having height upto 15 meters without stilt parking and upto 17.5 meters with stilt parking:

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4(1) In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the distribution licensee shall:

(i) release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:

(ii) in the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:

Provided that in case such dwelling units above 15 meters without stilt parking and above 17.5 meters with stilt parking of the building indulge in unauthorized connection from the system of licensee or from the live connection of any other consumer, the licensee may initiate an action as per provisions of Section 126, Section 135, Section 138 or any other section as may be applicable of the Electricity Act, 2003 and the electricity connection of such consumer who has provided the supply unauthorisedly, shall be disconnected immediately;

4(2) The Distribution Licensee shall inspect such premises periodically.

In view of the aforesaid there should not be any ground of misunderstanding with regard to the height of the building and OP should scrupulously follow the regulations laid down by DERC. However OP has submitted that new electricity connection for NX purpose cannot be issued to a building having ground + 5 floors in view of Rule 27 of Delhi Fire Services Rules 2010, which stipulates as follow:-

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27. Classes of occupancies likely to cause a risk of fire. Occupancies for the purposes of sub-section (1) of section 25 of the Act shall be construed to likely cause a risk of fire, namely:-

- (1) Pandal having seating capacity more than 50 persons or covered area more than 50 square meters.
- (2) Residential buildings (other than hotels and guest houses) having height more than 15 meters or having ground plus four upper stories including mezzanine floor.
- (3) Hotels and guest houses having height more than 12 meters having ground plus three upper stories including mezzanine floor.
- (4) Educational buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (5) Institutional buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (6) All Assembly buildings.
- (7) Business buildings having height more than 15 meters or having ground plus four upper stories including mezzanine floor.
- (8) Mercantile buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (9) Industrial buildings having covered area on all floors more than 250 square meters.
- (10) Storage buildings having covered area on all floors more than 250 square meters.
- (11) All Hazardous buildings having covered area on all floors more than 100 square meters.
- (12) Underground Structures.

6. In view of the above deliberations and Regulations, we are of the considered opinion that the building structure where the new connection has been applied for by the complainant consists of ground +first+ mezzanine+ second+ mezzanine+ third +fourth +fifth floors. ✓

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Undoubtedly the building height is more than 09 meters and as per above stated DFS Rule 27, the building is likely to cause a risk of fire. Therefore, we cannot grant application of the complainant for new connection.

ORDER

The complaint is rejected. OP has rightly rejected the application of the new connections of the complainant.

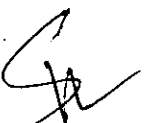
The parties are hereby informed that instant order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

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

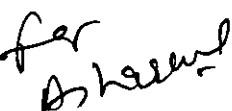
  
(H.S. SOHAL)  
MEMBER

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(S.R. KHAN)  
MEMBER (TECH.)

  
(P.K. SINGH)  
CHAIRMAN

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