

C A No. Applied For
Complaint No. 132/2024

In the matter of:

Davinder KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 25th June, 2024

Date of Order: 04th July, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. This complaint has been filed by Mr. Davinder Kumar against BYPL-Paharganj. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006763550 at premises no. 9201-9202, GF, Main Road, Multani Dhanda, Paharganj, Delhi-110055, but respondent rejected the applications of the complainant for new connection on the pretext of requirement of fire safety certificate and road cutting permission.

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2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection under non-domestic purpose vide request no. 8006763550 at premises bearing no. 9202, Main road, Multani Dhanda, Pahar Ganj, Delhi-110055. According to the complainant the property number 9201 and 9202 are joint properties.

The site visit was done and it was found that the building structure consists of the ground floor and four floors over it. In the subject premises, a business in the name and style of Deepak Tour & Travels is being run. As per the complainant, the three floors above the ground floor are being used as guest house.

Reply further added that height of the building is also to be taken into consideration and not the height of the applied floor. Thus as the height of building is more than 15 meters as such the complainant has to file fire safety clearance certificate and MCDs NOC as vide letter dated 16.08.2019 the property no. 9201, Multani Dhanda, Gali No. 4, Paharganj was found booked by MCD for unauthorized erection of a cellular tower at the rooftop of the property.

OP also added that fire Safety Certificate bearing no. F6/DFS/MS/GH/NDZ/2023/163 dated 10.10.2023 submitted by the complainant is not being shown on the online portal of the fire Department of Delhi. Hence, the authenticity and the genuineness of the same cannot be verified.

3. In response to the reply, the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply and submitted that already an electricity connection was installed in the name of the complainant vide CA No. 100389510 which was disconnected in the year 2019. The fire safety certificate has already been issued by the fire department.

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He also submits that booking of MCD pertains to rooftop to which the complainant has no concern in any manner as the complainant has applied for electricity connection on the ground floor, owned by him.

4. OP vide their mail dated 07.06.2024 stated that fire safety certificate is online verified and regarding MCD objection related to tower, as per new guidelines connection can be processed to lower floors which are not booked. The mail also stated that as mentioned in fire safety certificate, complainant can be asked to file an affidavit stating that fourth floor is not in use.
5. Heard both the parties and perused the record.
6. During the course of hearing on dated 25.06.2024, both the parties reached to an understanding that the complainant is required to file an affidavit thereby undertaking that he require ~~for~~ new electricity connection on ground floor only and he has no concern with fourth floor and shall not use the fourth floor in any capacity.
7. In facts and circumstances we don't find any hurdle in allowing the complaint, if aforesaid affidavit/undertaking is provided by the complainant to the OP.


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ORDER

The complaint is allowed with direction to OP to release the new connection as applied for by the complainant, after submission of above said ~~letter~~ undertaking/affidavit, by the complainant, in the respective division office of OP, and completion of other commercial formalities as per DERC Regulations 2017.

OP should also 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.


H.S. SOHAL
MEMBER


NISHAT A ALVI
MEMBER(CRM)


S.R. KHAN
MEMBER(TECH.)


P.K. SINGH
CHAIRMAN
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