

C A No. 153892336, 153862276 & 153862277

Complaint No. 278/2024

In the matter of:

Deepak Jain & Kamini JainComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

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

ORDER

Date of Hearing: 29th August, 2024

Date of Order: 03rd September, 2024

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

1. This complaint has been filed by Mr. Deepak Jain & Ms. Kamini Jain against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance is that the complainants applied for category change low to high for CA No. 153892336, 153862276 & 153862277 vide request no. 8006873220, 8006873233 and 8006873242 at premises no. J-97A, 4th floor, Block-J, Laxmi Nagar, Delhi-110092, but respondent rejected the application for category change on pretext of Building height is more than 15 meters.

Attested True Copy


Secretary
CGRF (BYPL)

2. The respondent in reply briefly stated by the way of present complaint the complainants has sought a change of category from domestic to a non-domestic electricity connection in respect of the electricity connection bearing CA No. 153892336, 153862276 & 153862277 registered for the second, third and fourth floor of premises no. J-97-A, Block-J, Laxmi Nagar, Delhi-110092 vide request no. 8006873220, 8006873233 and 8006873242. The applications of category change were rejected on the following grounds:

- a) Applied premises being used as 'PG', thereby mandating the fulfillment of obtaining the NOC from Delhi Fire Service (DFS).
- b) Building structure is Ground and four floors over it, commercial building, having height more than 15 meters.
- c) The units in the said building is being used as paying guest accommodation facility.
- d) The building height is apparently more than 15 meters.

Upon site inspection of the said premises, it was discovered that there are several deficiencies which are in direct violation of DERC (Supply code and Performance Standards) Regulations 2017. Reply further states that the case of the complainant does not attract the benefit of the Schedule of Charges and Procedure (sixth amendment) Order, 2021, as the moment the change of category request is made, the premises becomes commercial from residential.

3. Counsel for the complainant in its rejoinder refuted the contentions of respondent as averred in their reply and stated that it is wrong and denied that the building height is more than 15 meters. Rejoinder further added that for category change from DX to NX, OP has sought fire safety certificate of the pretext that the said premises is being used for hostel, but OP failed to mention under which provision of law the said fire certificate is sought by OP.

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 complainants applied for category change from domestic to non-domestic for their premises at second, third and fourth floor of property bearing no. J-97-A, Block-J, Laxmi Nagar, Delhi-110092 which was rejected by OP on the ground that the applied portion is being used as 'PG', hence requirement of Fire clearance certificate was raised. During the course of arguments, the counsel of the complainants admitted to this fact.
6. Before disposal of present complaint, relevant clauses is narrated here

DELHI FIRE SERVICE RULES, 2010 UNDER DELHI FIRE SERVICE ACT, 2007 (DELHI ACT 2 OF 2009)

27. The following 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

7. In view of the above, we find that relevant clause in the present matter is Clause 3 which says hotels and guest houses having height more than 12 meters having ground plus three upper stories including mezzanine floor and accordingly, as per this Regulation the complainant is required to submit Fire Clearance Safety Certificate for category change in applied portions.

Since OP states that the complainant is running a PG in the applied portion and the counsel of the complainant has admitted to this fact.

8. On the basis of aforesaid findings, it is clear that the height of the building is more than 15 meters. The load enhancement request of the complainant has been rightly rejected by OP.

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ORDER

The complaint is rejected. The request of the complainant for load enhancement vide request no. 8006873220, 8006873233 and 8006873242 for CA no. 153892336, 153862276 & 153862277 at premises no. J-97-A, Block-J, Laxmi Nagar, Delhi-110092, cannot be granted unless and until Fire Safety Clearance certificate/BCC is provided by the complainant to OP.

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)
MEMBER-TECH


(P. K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H. S. SOHAL)
MEMBER