

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:cgrfbyp@hotmai.com

SECY/CHN 015/08NKS

C A No. Applied for
Complaint No. 282/2024

In the matter of:

Deepak Sharma

.....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)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Akash Ruhela, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 1st October, 2024

Date of Order: 06th November, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. 2851, Pvt No.-4, Gali No. 17-18, Beaton Pura, Karol Bagh, New Delhi-110005, vide requests no. 8006906646. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Applied NX meter and BCC/Fire Clearance Certificate required.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for one new electricity connection at the shop on the ground floor of the property bearing no. 2851, Pvt No.-4, Gali No. 17-18, Beadon Pura, Karol Bagh, New Delhi-110005, vide requests no. 8006906646. The application of the new connection was rejected on account of building height more than 15 meters. The building structure is GF+FF+SF+TF+FF and 5th floor OP visited the premises of the complainant and vide its site visit report dated 19.04.2024 stated that the height of applied premises is more than 15 meters and need to install ELCB, hence, fire safety certificate is required. The applied building is of commercial nature and has Ground+ Five Floors.

Revisit of the said premises was also done on 03.06.2024 according to which stated the height of the applied building is approx 19.9 meters. Thus the application of the complainant was rejected for want of a Fire Safety Clearance Certificate from the concerned department or the BCC/NOC in lieu thereof.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that OP issued the many NX connections at applied premises. Therefore, there is no need to submit fire clearance certificate for release of new electricity connection.

4. Heard arguments of both the parties at length and perused the record. During finalizing the matter, the documents placed on record were of one Mr. Deepanshu Sharma. The complainant was ordered to provide original complainant's documents i.e. of Deepak Sharma. The complainant vide mail provided the documents of Deepak Sharma, therefore, this final order got delayed.

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5. From the narration of facts and material placed before us we find that the complainant applied for a new connection under commercial category which OP rejected on pretext of the height of building is more than 15 meters. The site map submitted by OP along with its IR shows that building structure is basement + ground+ first + second + third + fourth + fifth floors over it. The complainant's contention is that the OP has recently released the electricity connection at the aforesaid address on the direction of CGRF.

The building structure is basement + ground+ first + second + third + fourth + fifth floors over it, and said fact is not denied by the counsel of the complainant. It is apparent that if we consider height of each floor 3 meters then the height of the building is approx 18 meters which is beyond the prescribed limit. The height is 19.9 meters as per the site inspection report submitted by OP. Thus, for grant of new electricity connection, the complainant has to file fire certificate/building completion certificate from the concerned authorities.

6. The notification of DERC vide no. f.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019 it is clarified that the distribution licensee for release of electricity connection shall not insist for fire clearance certificate for the residential buildings having height upto 15 meters without stilt parking and 17.5 meters with stilt parking. The measurement of the height of the building shall be made in accordance with clause 1.4.16 and 7.19 of Unified Building Bye-Laws for Delhi 2016.

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7. In view of the above, we are of considered opinion, that as per DERC Sixth Amendment, buildings having parking at ground floor should not have height more than 17.5 meters and in the present case the height of building is 19.9 meters which is more than the prescribed limit also there is no parking on ground floor and the building structure also consists of basement making the height of the building more than prescribed limit i.e. 19.9 meters.

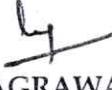
ORDER

The complaint is rejected. OP has rightly rejected the application of the complainant of the new connection. This forum is unable to give my relief to his complainant.

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)


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


(P.K. SINGH)
CHAIRMAN

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