

C A No. 152959367, 153318076, 153318072 & 153318083

Complaint No. 95/2024

In the matter of:

Dhruv Kumar Tuli

.....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)
5. Mr. H. S. Sohal, Member

Appearance:

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

ORDER

Date of Hearing: 29th August, 2024

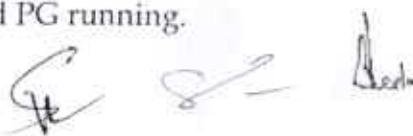
Date of Order: 03rd September, 2024

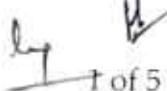
Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Mr. Dhruv Kumar Tuli against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance is that the complainant applied for category change low to high for CA No. 152959367, 153318076, 153318072 and 153318083 vide request no. 8006760002, 8006760109, 8006759583 and 8006760105 at premises no. L-32, Laxmi Nagar, Delhi-110092, but respondent rejected the application for category change on pretext of Building height is more than 15 meters and PG running.

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Secretary
CGRF (BYPL)




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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. 152959367, 153318076, 153318072 and 153318083 registered for different floors of premises no. L-32, Laxmi Nagar, Delhi-110092 vide request no. 8006760002, 8006760109, 8006759583 and 8006760105.

The complainant is owner of building L-32, Laxmi Nagar, Delhi had taken multiple connections. The building consists of Ground plus four floors over it having four dwelling units on each floor from first floor onwards. As such 16 DX connections stands released at the subject premises.

Upon site visit PG setup was found on each floor, thus there is a single commercial activity running in the entire premises. Now application wants change of tariff category from DX to NX as the premises is used as PG. As building having effective five floors as such height of building in all likelihood is more than 15 meters. As building is used for commercial activity as such DERC Supply Code and Performance Standards, Regulations 2017, 6th Amendment which was applicable when DX connections were sanctioned, is not applicable.

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.

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Secretary
CGRF (BYH)

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. L-32, 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.

ORDER

The complaint is rejected. The request of the complainant for load enhancement vide request no. 8006760002, 8006760109, 8006759583 and 8006760105 for CA no. 152959367, 153318076, 153318072 and 153318083 at premises no. L-32, 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