



C A No. Applied For
Complaint No. 143/2024

In the matter of:

FaizaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Ms. Ritu Gupta & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER




Date of Hearing: 30th May, 2024
Date of Order: 04th June, 2024

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

1. This complaint has been filed by Ms. Faiza, against BYPL-Chandni Chowk. The brief facts of the case giving rise to this grievance are that the complainant Ms. Faiza applied for new connection vide request no. 8006765485 at premises no. 1002-902, Mezanine Floor, Gali Rajan, Farash Khana, Delhi-110006.

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The said application of new connection of the complainant was rejected by respondent on the pretext of Fire safety clearance required as building height is more than 15 meters, incorrect category of tariff usage at site and enforcement dues exists. Complainant stated that her building is old constructed till 5th floor and she has applied for new electricity connection under domestic category on mezzanine floor.

2. The respondent in reply briefly stated that the complainant is seeking new connection at premises no. 1002-902, Gali Rajan, Farsh Khana, Delhi-110006 vide request no. 8006765485 The application of new connection was rejected as it was found that building structure consists of GF + MF +5 floors. On ground floor commercial activity was found whereás on Mezanine floor both commercial and domestic activity was found. And from 1st floor to 5th floor domestic activity was found.

Reply further stated that on applied floor domestic as well as commercial activity was found. As the premises are used for commercial purposes as well which are not permitted under tariff to be clubbed with domestic category of tariff as in case of professionals as such he is required to apply for correct category of tariff i.e. commercial.

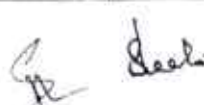
The height of the building is more than 15 meters as such application of the complainant was rejected for want of fire safety clearance certificate.

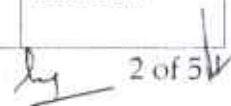
Details of the existing meters in applied building are as follow:

S.No.	Meter No.	Floor	Category	D.O.I
1.	35910859	Ground floor	NX	12.04.2011
2.	55338325	2 nd floor	DX	10.04.2011
3.	11895636	3 rd floor	DX	10.04.2011
4.	11895634	4 th floor	DX	12.04.2011
5.	11895635	4 th floor	DX	10.04.2011

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It is also submitted that dies are also claimed on pro-rata basis of Rs. 3201/- against CA No. 100223205. Reply further stated that by way of deficiency letter enforcement dues against CA 400029929 and 400029936 were also claimed which are not pressed for the time being as the files of same are not available.

3. Counsel of the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that height of the building is less than 15 meters and as per sixth amendment he is entitled for new connection as he has applied for new connection on mezzanine floor. He also denied that enforcement dues do not belong to him.
4. Heard both the parties and perused the record.
5. The request of new connection of the complainant was rejected by OP on four grounds firstly; energy dues against CA No. 100223205, secondly BCC/Architect Certificate for height of building (GF+MF+5), third the Enforcement Dues against CA No. 400029929 and 400029936 and fourth there is commercial activity on the applied floor and the complainant has to applied for commercial connection alongwith fire clearance as the height of the building is more than 15 meters.
6. Regarding the first objection of OP, the complainant agreed to pay the energy dues as demanded by the complainant.
Regarding the enforcement dues, OP itself stated that they are not pressing for enforcement dues as the files of the same are not available.
OP has objected regarding the height of the building as the building structure is ground + mezzanine + five floors over it. In this regard, OP submitted that complainant has to submit fire safety clearance certificate and the complainant has to apply under commercial category as there is commercial activity found at the applied floor.

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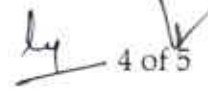
OP in its reply has submitted that the applied floor is being used for both domestic and commercial activity. There is no other connection on the mezzanine floor neither commercial nor domestic. The complainant has placed on record GPA dated 07.05.2014 in her favour showing that she is in possession of part of property no. 1002, New and old no. 902, total property 190 sq yards out of property 50 sq yards two room set on mezzanine floor with kitchen, litreen, bathroom situated at Gali Rajan Farash Khana, Delhi-110006.

7. In view of the above, we are of considered opinion that only finding of sewing machine at home does not prove that there is commercial activity going in the applied premises. As per GPA the complainant is in possession of separate dwelling unit.
8. Thus, the objection of the OP is no justified and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises.
9. Now the only objection of OP remains is height of the building.
10. 2.0 Amendment in Clause 2 of the Principal Order: Sub-clause (3) and sub clause (4) shall be inserted at the end of Sub-clause (2) of Clause 2 of the Principal Order namely; (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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11. In the facts and circumstances aforesaid, it is clearly mentioned that in the buildings where height within 15 meters, licensee shall not insist for fire clearance certificate. In the present case the complainant has applied for new electricity connection on the mezzanine floor which is within the height of 15 meters therefore, we are of the view that the respondent may be directed to provide the domestic connection.

ORDER

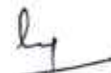
Complaint is allowed. OP is directed to release the new electricity connection as applied for by the complainant under domestic category vide application no. 8006765485 at premises no. 1002-902, Mezzanine floor, Gali Rajan, Farsh Khana, Delhi-110006 after completion of all the commercial formalities as per DERC Regulations 2017 and sixth amendment.

OP is further directed to 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.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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(H.S. SOHAL)
MEMBER