

C A No. Applied for
Complaint No. 56/2025

In the matter of:

Fool JahanComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Agrawal, Member (Legal)
2. Mr. S.R. Khan, Member (Technical)
3. Mr. H. S. Sohal, Member

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Akshat Aggarwal, on behalf of BYPL

ORDER

Date of Hearing: 23rd April, 2025

Date of Order: 28th April, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8007379907 at premises no. B-273, B-302 (old) GF, Khasra No. 847, Mandawali Fazalpur, Delhi-110092. The complainant purchased the building in question on 03.02.2020 through GPA. The said building is old and constructed upto ground till fifth floor.

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CGRF (BYPL)

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A connection for parking is energized on the ground floor and complainant has applied for new electricity connection under domestic category at the domestic unit at ground floor, which OP has rejected on the pretext of "connection already exist 35707935 parking meter, but no stilt parking found at site, building G+5".

2. The respondent in reply briefly stated that by way of present complaint the complainant is seeking new domestic connection for the premises bearing address B-273, Kh. No. 847, old no. B-302, GF, Right Side, Mandawali Fazalpur, Delhi-110092 vide request no. 8007379907 which was rejected on the grounds of connection already exist at the applied site vide meter no. 35707935 in the parking and no stilt parking exist at site and parking is converted in flat.

Reply further submitted that there are structural alterations. The previous connections in the building were given considering the structure of the building as Parking + four floors over it which is now converted G+5, hence without approved and sanctioned plan the same is bad in law.

That already nine connections are installed in the applied building and one is for parking under DOM 3 category.

3. The complainant rebutted the contentions of the respondent as averred in their reply and reiterated his original complaint. The rejoinder further stated that the connection on ground floor is used for parking purposes only and not in the flat. Therefore he requested the Forum to direct OP to install new electricity connection.

4. Heard both the parties and perused the record at length.

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5. On 15.04.2021, DERC issued Schedule of Charges and the Procedure (Sixth Amendment) Order, 2021, reiterating the following:

(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:

4(1) In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the distribution licensee shall:

(i) release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:

(ii) in the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:

Provided that in case such dwelling units above 15 meters without stilt parking and above 17.5 meters with stilt parking of the building indulge in unauthorized connection from the system of licensee or from the live connection of any other consumer, the licensee may initiate an action as per provisions of Section 126, Section 135, Section 138 or any other section as may be applicable of the Electricity Act, 2003 and the electricity connection of such consumer who has provided the supply unauthorisedly, shall be disconnected immediately;

4(2) The Distribution Licensee shall inspect such premises periodically.

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6. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection at the ground floor of property bearing no. B-273, Kh. No. 847, old no. B-302, GF, right side, Mandawali Fazalpur, Delhi-110092 which was rejected by OP on grounds of parking converted into residential unit.

From the perusal of the sixth amendment which is narrated above, it is clear that the ground floor will be parking only but in the present case the complainant has violated the DERC Regulations 2017.

7. In view of the above, this Forum is unable to give any relief to the complainant.

ORDER

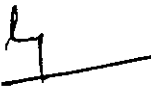
The complaint is rejected. OP has rightly rejected the application of the complainant for new connection.


The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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

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