

C A No. Applied For
Complaint No. 185/2024

In the matter of:

Geeta SharmaComplainant

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. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 09th July, 2024

Date of Order: 12th July, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. As per the complaint, complainant applied for non-domestic connection on the Ground Floor of her property bearing no. 272-273, Guru Ram DassNagar, Laxmi Nagar, Delhi-92 vide request no. 8006826369. It is alleged in the complaint that the said request of the complainant was in declined by the OP on the ground that the height of the building is more than 15 meters. Therefore, the connection cannot be granted.

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OP has issued a deficiency letter dated 11.03.2024 which provides building height more than 15 meters, BCC/fire clearance certificate required. The complainant alleges that this is a false ground and there is no extra floor on the fourth floor of the applied premises except a toilet under the mumty. Complainant has prayed for the directions to the OP to release the connection applied for.

2. In reply to the complaint, OP alleges that on site verification it was found that the building of the applied premises consists of GF and five floors over it. On the fifth floor a room is built alongwith a mumty hence the height of the building may be more than 15 meters as usually the height of each floor is taken as three meters for which a fire safety certificate/BCC/NOC from MCD is required, for grant of the connection. In respect of the Architect Certificate submitted by the complainant, OP states that the same cannot be relied upon as no reference in respect of mumty and a room on the 5th floor has been made in the certificate.
3. In rejoinder to this reply, the counsel reiterated his original complaint and specifically denied that the building is having more than 5 floors over the GF. Further stating that the building consists of G+4 floors over it and a toilet along with mumty is built upon the roof of 4th floor which is allowed as per rules. Hence, no building completion certificate is required from MCD for release of new connection and the OP's claim of this toilet to be 5th floor of the building is wrong and denied. Rejoinder also states that OP has earlier released connections in other buildings in the same scenario. Hence, the toilet built over the fourth floor cannot be considered as dwelling unit or 5th floor.

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4. In support of their respective contentions, complainant has placed on record a photograph of the mumty along with toilet over the fourth floor, copy of the deficiency issued by the OP as well as Architect certificate as submitted by the complainant. On the other hand OP has placed on record its IR along with copies of certain bills.
5. Heard both the parties and perused the record.
6. As per pleadings of both the parties the issue in dispute is of the height of the building. As per the complainant the building is constructed only upto 4th floor which OP alleges that ground plus five floors over it. Going through the photographs submitted by the complainant there appears a very small structure along with mumty which is not specifically challenged/denied by the OP. This fact is also substantiated by a rough sketch provided by the OP in its IR report. Depicting that stilt floor and four floors over it and on the roof of the 4th floor a small portion is shown constructed. As per OP this construction is infact a fifth floor which the complainant denied stating that it is only a small toilet along with mumty. Hence the same cannot be considered as a fifth floor.

Going through the bills submitted by the OP, it is transpired that OP has installed connections on GF, FF & 3rd floor and a connection without showing any floor. It is not specifically told by the OP that where this no floor connection is being used. Even if it is presumed to be supplying energy on 4th floor there seems to be no 5th floor.

We don't find any substance in OP's contention that the small room along with mumty is a complete floor. OP's contentions of not mentioning mumty and the toilet in the Architect Certificate will be of no help to the OP as complainant is not denying the same.

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Attested True Copy


Secretary
GRF (BYPL)

7. In the fact and circumstances, we are of the considered view that OP has wrongly considered the mumty along with toilet as 5th floor on the basis of which it is establishing that the height of the building is more than 15 meters. Therefore, the deficiency raised by the OP in the present case is baseless and without any concrete standing and OP has unjustifiably rejected the request of the complainant for electricity connection applied for as the height of the building is within 15 meters.

ORDER

The complaint is allowed with direction to OP to release the new connection as applied for by the complainant under non-domestic category vide request number 8006826369 after completion of other commercial formalities as per DERC Regulations 2017.

OP shall also 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.
Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER