

C A No. Applied for
Complaint No. 02/2025

In the matter of:

Gurjeet Kaur

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

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

ORDER

Date of Hearing: 04th March, 2025

Date of Order: 06th March, 2025

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connection vide request no. 8007308724 at premises no. 6/94, Kh. No. 188, second Floor, Vishwas Nagar, Near Gali no. 1, Delhi-110032 which was rejected by OP on grounds of meter already exist, same site dues and applied floor mezzanine use for office required MCD license.

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Secretary
CGRF (BYPL)

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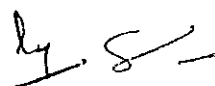
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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection under NX category vide request no. 8007308724 at second floor of property bearing no. Kh.No. 188, 6/94, Karkari Road, Vishwas Nagar, Near Gali No. 1, Delhi-110032. The said application of the complainant was rejected on the following grounds:
- a) Applied premise is a mezzanine floor being used for office which mandates submission of valid, legal verifiable MCD Trade License.
 - b) Applied premises are booked by MCD on account of polluting activity. Hence there is no occasion for grant of new non-domestic connection as the same would be in contravention of law.
 - c) First floor is being used as OYO Hotel which makes the entire building as commercial use for which Fire NOC is required.
3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that BYPL has already released a connection vide CA no. 154539616 under NX category on 06.09.2024 in compliance to orders of the CGRF in the matter of Gurjeet Kaur vide C.G. No. 269/2024. In the said order Forum has quoted that since OP has failed to provide proper MCD list and as per OP's site visit report there is no polluting unit found at site, the complainant was granted connection. Therefore, in the present case also, the complainant is liable to get connection without asking for MCD Trade License. Regarding other objection of OP, existence of OYO hotel on first floor and requirement of fire clearance, the complainant stated that the connection is on first floor and it does not require fire NOC. The complainant has also submitted Architect certificate, showing that the height of the building from road level upto second floor is less than 12.00 meter and in accordance with the building bye laws.

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CGRF (BYPL)





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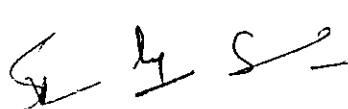
4. Heard arguments of both the parties at length.
5. We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that the application of the complainant for new connection was rejected by OP on the grounds of requirement of MCD trade license, applied premises is booked by MCD on account of polluting activity and first floor is being used as OYO hotel, which requires Fire NOC.

Regarding the objection of OP that applied premises is booked by MCD on account of polluting activity in this regard, this Forum has already vide its order dated 13.08.2024, in the matter of Gurjeet Kaur Vs BYPL vide C.G. No. 269/2024 has cleared that in the absence of proper MCD booring list and version of OP's official that at present there is no polluting activity going on, the complainant was granted new electricity connection.

Regarding second objection of OP, requirement of fire NOC as OYO hotel is running at first floor, in this regard, Delhi Fire Service Rule 2010, Rule 27. Classes of occupancies likely to cause a risk of fire. Sub-rule (3) says Hotels and guest houses having height more than 12 meters having ground plus three upper stories including mezzanine floor. But in the present case, the Architect placed on record by the complainant shows that the building structure comprised of Ground floor, Mezzanine Floor, first floor and second floor and the building height from road level up to second floor is less than 12.00 meter.

The last objection of OP, submission of trade license by the complainant, in this regard, the Forum feels that the complainant is required to file trade license from MCD as he has to run office at the applied floor.

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ORDER

The complaint is allowed. OP is directed to release the new electricity to the complainant as applied for by the complainant vide application no. 8007308724 at second floor of property bearing no. Kh.No. 188, 6/94, Karkari Road, Vishwas Nagar, Near Gali No. 1, Delhi-110032 after submission of valid MCD trade license and completion of other commercial formalities as per DERC Regulations 2017.

This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

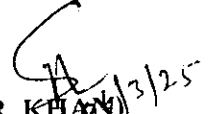
The parties are hereby informed that instant order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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) 13/25
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN
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CGRF (BYPL)