

C A No. Applied for
Complaint No. 192/2025

In the matter of:

Kapil Mehra

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Siddharth Jha, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 29th July, 2025

Date of Order: 04th August, 2025

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

1. The brief facts of the complaint are that the complainant applied for new electricity connection vide request no. 8007542830 at premises no. 755 to 757, Subhash Market, Katra Neel, Chandni Chowk, Delhi-110006. The application of the complainant was rejected by OP on the grounds of same site energy dues and fire safety clearance certificate required as building height is more than 15 meters, the building structure is ground plus five floors over it and commercial building. The complainant applied for NX connection at first floor.

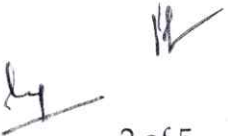
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CGRF (BYPL)

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2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking new NX connection at first floor of premises bearing address 755-756 and 757, Subhash Market, Katra Neel, Chandni Chowk, Delhi-110006 vide application no. 8007628374. The application of the complainant was declined because at the time of inspection it was found that the building structure is a commercial building situated in a market. The height of the building is more than 15 meters, the applicant should have got FIRE NOC in terms of Rule 27 of the Delhi Fire Service Rule 2010.
3. The counsel for the complainant in its rejoinder refuted the contentions of respondent as averred in their reply and submitted that the property no. 755 to 757 is a joint property therefore OP's objection of pending dues is false and fabricated. The complainant also stated that the said address is huge area and OP has released many more connections in the applied address till date. The complainant also enclosed list of 18 connections which OP has released in the said premises.
4. Arguments of both the parties were heard.
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 height of the building is an issue which is covered under building bye-laws under the jurisdiction of MCD which controls the building activities under DMC Act 1957. MCD collects the NOC or clearance from all outside agencies before it sanctions the building plan.


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6. DERC had clarified the issue regarding height of the building by its circular letter no. F.17 (85)/Engg./DERC/2016-17/5409/487 dated 31.05.2019. In para 2 of this letter DERC had noted submission of Discom's that "DISCOMs have stated that they insist upon fire clearance certificate from the applicant for release of electricity connection based on the application format prescribed by DERC which inter alia states that in case the total height of the building is more than 15 meters, fire clearance certificate has to be obtained by the applicant and is available."
7. Besides the above, the OP has submitted that new electricity connection for NX purpose cannot be issued to a building having ground + 5 floors in view of Rule 27 of Delhi Fire Services Rules 2010, which stipulates as follow:-

27. 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.

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(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.

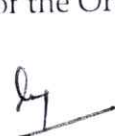
(11) All Hazardous buildings having covered area on all floors more than 100 square meters. (12) Underground Structures.

8. Since the building of the complainant is mercantile building, and the building height is more than 09 meters, as per above stated DFS Rule 27, the building is likely to cause a risk of fire. Therefore, we cannot grant application of the complainant for new connection.

ORDER

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

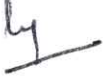
The parties are hereby informed that instant order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K. SINGH)
CHAIRMAN

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