



C A No. Applied For
Complaint No. 412/2024

In the matter of:

Lajjavati

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Kavya, Mr. R. S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 10th December, 2024

Date of Order: 12th December, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide requests no. 8007028136 and 8007028546 for basement and lift at premises no. MPL 4778, H.No. 23, Ansari Road, Darya Ganj, Delhi-110002. It is also her case that her applications for new connections were rejected by OP on the pretext of fire safety clearance certificate required as building structure is basement+ parking+ UGF+ four floors, which as per complainant are false and frivolous grounds of OP.

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Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated that the complainant is seeking two new electricity connections one each for basement and lift purposes at property bearing no. MPL 4778, house no. 23, Ansari Road, Darya Ganj, Delhi-110002 vide application no. 8007028136 and 8007028546. The premises of the complainant were visited on 25.06.2024 and it was found that building structure is basement + parking + UGF + four floors over it. As building structure above stilt parking is five floors as such height of the building may be more than 17.5 meters. So the applications of the complainant were rejected for want of Architect Certificate. But in case the height of the building as per Architect certificate is more than 17.5 meters, then fire clearance certificate will be required.

Reply further added that in case of lift connection, lift fitness certificate will be needed. The existing lift certificate placed on record by the complainant needs to be self attested as the same is applied by Niranjana Lal Rohtgi and is issued in the favour of the complainant.

Regarding connection in the basement, the new connection cannot be released in basement without approval of MCD and hence for basement connection additional approval of MCD in form of NOC/trade license is required.

3. In response to the reply filed by OP, the complainant refuted the contentions of OP as averred in their reply. The complainant alongwith rebuttal filed copy of self attested lift certificate and also moved an application for withdrawal of his application for new connection for basement.

4. Arguments of both the parties are heard.

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5. From the narration of facts and material placed before us we find that the complainant applied for two new electricity connections one for basement and other for lift purpose.

Regarding the connection in the basement, OP in its reply asked for NOC/trade license from competent authority. The complainant withdrawal/not presses his application for connection in the basement.

Regarding the connection for lift, the complainant has placed on record License for working lift issued in her favour by Labour Department. To this OP has objected that the said License has been applied by Niranjana Lal Rohtagi and is issued in the name of the complainant i.e. Lajjavati.

In this regard, from the perusal of the electricity bill placed on record having CA no. 154461425, Ms. Lajjavati is wife of Niranjana Lal Rohtagi. Thus this objection of OP is not sustainable.

During the course of arguments, OP objected that already a connection for parking purpose is installed in the name of the complainant and same is being used for running the lift, but OP has not placed on record any evidence in support of their contention. Also, it's been noticed that OP is raising objections in instalments, this objection of parking connection was earlier not raised by the OP, and thus the same is not maintainable.

6. In view of the above, we are of considered opinion that the connection to the complainant for functioning of lift should be granted.
7. Therefore, we don't find any hindrance in granting new connection to the complainant as applied for by her at her premises no. MPL 4778, Plot no. 23, Ansari Road, Darya Ganj, Delhi-110002.

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ORDER


The complaint is allowed. OP is directed to release the new connection as applied for by the complainant for lift and after 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 the 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 finality.

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


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K.SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)