



## Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032

Phone: 32978140 Fax: 22384886

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SECY/CHN 015/8NKS

C A No. Applied For  
Complaint No. 95/2021

**In the matter of:**

Lubna Urooj .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

**Appearance:**

1. Mr. Aslam Parvez, Counsel of the Complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

### ORDER

Date of Hearing: 17<sup>th</sup> September, 2021

Date of Order: 22<sup>nd</sup> September, 2021

**Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)**

Briefly stated facts of the case are that the complainant applied for new electricity connection but the respondent rejected her application for new connection.

It is also her submission that she applied for new electricity connection at R-281/2, Fourth Floor/Top Floor, Ramesh Park, Laxmi Nagar, Delhi-110092 vide request no. 8004681277 dated 15.12.2020 which the respondent company rejected on the pretext of building height more than 15 meters.

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Therefore, she requested the forum to direct the respondent company for release of new connection.

Notices were issued to both the parties to appear before Forum on 17.09.2021.

The respondent company submitted their reply stating therein that complainant sought new electricity connection for domestic purpose vide application no. 8004887598 on 31.03.2021 (old application no. 8004681277) at R-281/2, Fourth Floor/Top Floor, Ramesh Park, Laxmi Nagar, Delhi-110092. During site visit dated 06.04.2021, it was found that height of the building wherein the new electricity connection applied is of 18.50 meters having GF+5Floors. Hence benefit of 6<sup>th</sup> amendment of DERC is not applicable in the matter.

Respondent further submitted that for buildings having height of more than 15 meters, in terms of Supply code 2017, a fire Clearance Certificate is required.

The matter was listed for hearing on 17.09.2021, when respondent submitted their reply but failed to mention in their reply that there are no dues on the premises. The respondent submitted in the Forum that there are no dues pending at site, but fire clearance certificate is required to be filed by the complainant. The respondent will release the connection on production of fire clearance certificate as the building height is more than 18 meters and 6<sup>th</sup> Amendment is not applicable. Arguments heard and matter was reserved for orders.

The main issue in the present complaint is whether the connection can be released or not.

*Shashi* *Tom*  
*Vijay* *2 of 7*

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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 complainant applied for new domestic electricity connection but the respondent company rejected her application as the building height is more than 18 meters.

As per DERC (Sixth Amendment) order, 2021 dated 15.04.2021:

2.0(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 up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.

The notification of DERC vide no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019 is only for residential building and not for commercial buildings in which it clearly clarifies that 17.5 meter height of the building alongwith stilt building only for residential purpose, not for commercial purpose. The relevant portion is mentioned below:

4. DISCOMs have also informed that the buildings are being constructed in Delhi with stilt parking Clause 4.4.3 of the MPD 2021, the maximum height of a building in a residential plot plotted housing is mandated is as under:

"Height: Maximum height of the building shall be 15 M in plots without stilt parking and 17.5M in plots with stilt parking. Such residential building shall not be considered as high rise building. For purpose of fire and life safety requirements, clearance of Fire Department will be obtained by the Individual plot owner."

5 Hon'ble High court of Delhi in its judgment dated 29.05.2003 in CWP 27/10/1998 and CM 4780/2003 in the matter of Dr. B.L. Wadhera Vs. Govt. of NCT of Delhi and Ors. has directed that in all high rise buildings in Delhi and New Delhi fire safety measures are to be adhered to.

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Delhi Fire Service Rules, 2010 under Delhi Fire Service Act, 2007 (Delhi Act 2 of 2009) relevant portion is narrated below:-

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.

(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.

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**M S Azra Vs. State Govt. of NCT and ors. WP (C) 2453/2019 order dated 06.02.2020.** The complainant filed a writ petition to get the electricity connection on the second floor, premises no. 3418, Gali Maliyaan, Bazar Daryaganj, Delhi. Connection was rejected by the respondent 2 & 3 because of the building height is more than 15 metres. Fire clearance certificate is required. Hon'ble High Court opined that "it is not possible for this court to direct respondent 2 & 3 to grant the electricity connection in the absence of Fire Clearance Certificate and no dues."

**In the High Court of Delhi in the matter of Vikas Singh Vs. Lieutenant Governor and Others in W.P. (c) 1476/2014 date of decision 20.01.2016, which is reproduced as under:-**

As per Rule 27 (2) of the Delhi Fire Services Rules, 2010 on the ground of the same being not in consonance with the amendment vide Notification dated 23.09.2013 of the Master Plan for Delhi (MPD)-2021.

The petition came up first before this Court on 07<sup>th</sup> March 2014, when the counsel for the respondents No. 1 to 3 i.e. Lieutenant Governor of Delhi, Govt of NCT of Delhi (GNCTD) and Director, Delhi Fire Services (DFS), GNCTD appearing on advance notice was directed to file an affidavit indicating the position with regard to fire safety clearance of buildings upto 15 metres in height and beyond 15 metres in height. It was further directed that the said affidavit shall also indicate, as to whether there is need for changing the cap of 15 metres as stipulated in Rule 27 (2) supra, on account of change in the Master Plan whereby the maximum height for residential buildings with stilt parking has been increased to 17.5 metres from the erstwhile limit of 15 metres.

According to Delhi Development Act 1957, bye-laws 2.58 whereof defines "Parking Space" as an area enclosed or unenclosed, covered or open, sufficient in size to park vehicles, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of the vehicles.

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Appendix J whereof containing "Relevant Extracts from MPD-2021 regarding Development Control Regulations" provides the maximum height of constructions of residential plotted development, of 15 metres and further provides that if the building is constructed with stilt area of non-habitable height (less than 2.4 metres), used for parking, such stilt area shall not be included in FAR but would be counted towards the height of the building.

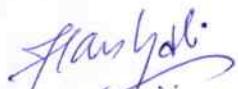
Bye-laws 6.2.4.1 of the Building bye-laws.....has demonstrated that the building plan for such multi-storyed/special buildings has to show inter alia the location and size of fire lift, smoke exhauster system, access to fire appliances/vehicles with details of vehicular turning circle and clear motorable access way around the building etc.

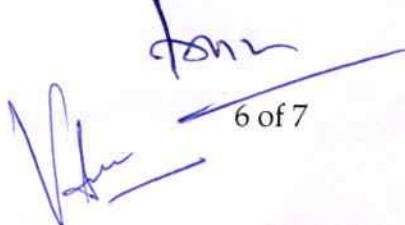
Bye-laws (vi) (iii) that the Section 32 thereof requires only the "multi-storyed buildings" to be governed by the provisions for the fire prevention and fire safety measures stipulated therein.

After going through all the aspects of the case that the complainant has applied for a new domestic connection on fifth floor, the height of the floor is above 15 meters. As per the sixth amendment the connection is not feasible because it is upto 15 meters. The respondent's demand of fire clearance certificate is genuine because this building height is more than 15 meters.

As per DERC (Sixth Amendment) order, 2021 dated 15.04.2021:

2.0(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 up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.



  
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Now, we are of considered opinion that

The respondent is directed to release the domestic connection whenever the complainant submits the fire clearance certificate and fulfills all the commercial formalities as per DERC Guidelines 2017 because the height of the floor in which connection is required is more than 15 meters.

**The case is disposed off as above.**

**No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.**

**The order is issued under the seal of CGRF.**



(HARSHALI KAUR)  
MEMBER (CRM)



(VINAY SINGH)  
MEMBER (LAW)



(ARUN P SINGH)  
CHAIRMAN