

C A No. 100516184
Complaint No. 363/2024

In the matter of:

Maya Niranjana GadaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Neeraj Kumar Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R. S. Bisht, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 12th December, 2024

Date of Order: 19th December, 2024

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for Category Change DX to NX for CA No. 100516184 installed at premises no. 11385/14-A-96, Second Floor, West Extension Area, Karol Bagh, Delhi-110005, vide requests no. 8006922649. The application of complainant was rejected by Opposite Party on the pretext of Site visit not completed, owner does not allow to visit at roof, but complainant stated that respondent has rejected his application without rhyme and reason.

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2. The respondent in reply briefly stated that the complainant is seeking change of category from domestic to non-domestic in respect of electricity connection bearing CA No. 100516184. Vide order no. 8006922649. The application of complainant was rejected on pretext of consumer failed to let the OP inspect the complete premises including roof of the third floor. Respondent submitted that in case of non-domestic connection height of the building is required to be taken into consideration whereas in case of domestic connection, height of floor is taken into consideration. Accordingly in order to change the category it is necessary to inspect the complete building in order to find out about the height of building.

Reply further added that it is necessary to inspect the roof of the building to find out the current position as to whether there is construction on the roof to be taken into consideration and to be counted as extra floor. From the outside building structure seemed to be ground plus three floors and hence it is necessary inspect the roof to find out whether building structure is G+3 or G+4 or whether any further construction is being carried out at the roof of the third floor or not. Thereafter only OP will in position to complete the technical feasibility and find out whether before change to category architect certificate or Fire certificate is required or not.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant is lawful owner and lives on the said premises since 2003 to till date today and wants to change category domestic to non-domestic connection for rental purpose. Complainant stated that his premises less than 15 meters and not owner any other premises.

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4. As per the joint site visit report dated 18.09.2024, the building structure is ground plus three floors over it. Third Floor owner does not allow visited at roof. Applied second floor being used as 'PG'. Complainant filed Architect Certificate which stated that building no. 11385/14-A-96, Second Floor, West Extension Area, Karol Bagh, Delhi-110005 is comprised of Ground Floor, First Floor, Second Floor, and Third Floor and the height of the building is less than 15 meters and is accordance with the building bye laws.
5. From the narration of facts and material placed before us, we find that the complainant applied for Category Change DX to NX which OP rejected on pretext of Site visit not completed, owner does not allow to visit at roof. On which the Forum ordered joint site visit, during the site visit again the owner of the third floor did not allow access to the terrace and there is a 'PG' on applied second floor. In response which to complainant filed architect certificate in which total height of the building is less than 15 meters. The complainant did not object the site visit report and stated that he wants to run PG at the applied floor, therefore needs conversion of connection from domestic to commercial. The complainant also filed a misuse bill levied by OP and settled in PLA, therefore he requested for conversion of connection from domestic to commercial to further avoid misuse booking by OP.
6. Before disposal of present complaint, relevant clauses is narrated here **DELHI FIRE SERVICE RULES, 2010 UNDER DELHI FIRE SERVICE ACT, 2007 (DELHI ACT 2 OF 2009)**
27. **The following 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 constructed 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.**

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- (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 building 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 having covered area on all floors more than 100 square meters.
- (12) Underground structures.

7. In view of the above, we find that relevant clause in the present matter is clause 3 which says hotels and guest house having height more than 12 meters having ground plus three upper stories including mezzanine floor and accordingly, as per this Regulation the complainant is required Fire Clearance Safety Certificate for category change in applied portions.

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ORDER


The complaint is rejected. The request of the complainant for Category Change DX to NX Vide CA No. 100516184 at premises no. 11385/14-A-96, Second Floor, West Extension Area, Karol Bagh, Delhi-110005, vide requests no. 8006922649, cannot be granted unless and until Fire Safety Clearance certificate/BCC is provided by complainant to OP.


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)
MEMBER (TECH.)


(P.K.SINGH)
CHAIRMAN

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(EXPL)