



C A No. Applied For
Complaint No. 472/2023

In the matter of:

Maya RamComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 23th April, 2024

Date of Order: 29th April, 2024

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

1. This complaint has been filed by Mr. Maya Ram against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Mr. Maya Ram applied for two new connections vide request no. 8006674198 & 8006654435, at premises no. D-196, Ground Floor, Gali No. 3, West Vinod Nagar Delhi-110092 but respondent rejected the application of the complainant for two new connections due to "Meter already exist, previous connection was sanction on GF+1F+2F+3F+4F".

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2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking two new electricity connections vide request No. 8006674198 & 8006654435, at premises no. D-196, Ground Floor and Upper Ground floor, Gali No. 3, West Vinod Nagar Delhi-110092. At the time of inspection it was found that new building structure has been made in which the layout is "parking plus upper ground floor plus 4 building structure". The respondent submits the previous structure upon which the meter was already energized was "ground floor plus 5 floors" but now the due to this aforesaid change in the structure has resulted into the structural mismatch. OP submits that the building structure for which the connection has been applied i.e. effective First Floor is already having a connection with existing meter no. 35896496 having a CA No. 154295555 and which is a parking does not have any separate dwelling unit and moreover no residential activity found at site.

Building structure already stands energized.

S.No.	Floor No.	Meter No	CA No.
1	First Floor	35896497	154295555
2	Second Floor	35896496	154273426
3	Third Floor	35890560	154273428
4	Fourth Floor	35890559	154295557

The complainant has filed and ownership document i.e. General Power of Attorney dated 28th July 1999 by Sh. Gobind Ram S/o Kalyan Dass in favor of Sh. Maya Ram Radola S/o Sh. Shiva Nand Radola. However, the application has been submitted under the name of "Maya Ram" and not "Maya Ram Radola" even the Aadhar Card has the name "Maya Ram" only. Hence, also in view of the inconsistent and different entries

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makes the application violate of the aforesaid regulations contains in DERC Regulations, 2017. The complainant has also filed a site inspection report dated 06.11.2023 given by an architect which is not in consonance with the guidelines and the height of the premises needs to ascertained as per the guidelines and regulations.

3. In response to the reply, the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply. The complainant submitted the Architect Certificate dated 06.11.2023 and where it is mentioned that the building is comprised of parking, upper ground floor, first floor, second floor, third floor and fourth floor. It is further submitted that now the complainant has applied for new connections on the ground floor and upper ground floor. The complainant submitted that "Maya Ram Radola" and "Maya Ram" is the same and one person and in whose name, the respondent company has already released the four electricity connections.

4. Arguments of both the parties were heard at length.
5. From the narration of facts and material placed before us we find that the complainant has applied for two new connections at Ground Floor and Upper Ground floor of property bearing no. D-196, West Vinod Nagar, Delhi-110092, application no. 8006654435 for upper ground floor was rejected by OP on the ground of meter already exists; previous connection was sanction on GF+1F+2F+3F+4F and other application no. 8006674198 for ground floor was rejected on the basis of consumer not responding.

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During the course of hearing, OP submitted that already four connections are installed in the applied premises at first floor, second floor, third floor and fourth floor. At the time of applying these connections by the complainant the building structure was mentioned as ground floor plus five floors and now the complainant has changed the building structure showing parking plus upper ground floor plus four floors. Due to this structural mismatch the application no. 8006654435 of the complainant was rejected.

Application no 8006674198 was rejected because during inspection it was found that said portion is parking and does not have any separate dwelling unit and moreover no residential activity found at site.

6. Both the parties were directed to conduct joint site visit and site visit report dated 22.04.2024 submitted that applied building structure is P+5, new building structure. Applied building height is 17.60 meters. The site visit report also submitted that already there are five electricity meters catering electricity supply in the building. OP also attached bills of the said electricity connections.

From the perusal of bills it is clear that one connection is for parking purpose, rest meters are installed at first floor, second floor, third floor and fourth floor. The only portion left without electricity is upper ground floor for which the complainant has applied for new electricity connection. OP also stated that at ground floor there is no separate dwelling unit for which complainant has asked connection for.

7. In view of the above, we are of considered opinion, that as per DERC Sixth Amendment, buildings having parking at ground floor should not have height more than 17.5 meters and in the present case the height of the building is 17.6 meters which hardly 0.10 meters more than the prescribed limit.

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8. The notification of DERC vide no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019 it is clarified that the distribution licensee for release of electricity connection shall not insist for fire clearance certificate for the residential buildings having height upto 15 meters without stilt parking and 17.5 meters with stilt parking. The measurement of the height of the building shall be made in accordance with clause 1.4.16 and 7.19 of Unified Building Bye-Laws for Delhi 2016.

9. Since OP has already released new connection on the top floor i.e. fourth floor because of which the height of the building became more than the prescribed limit, thus we feel that not granting new electricity connection on the upper ground floor is not justified. Height of this particular floor is less than 10 meters, and he should not be deprived off his right for electricity. Therefore, new electricity connection on upper ground floor should be granted.

Regarding, the application of the complainant for new connection on ground floor, same cannot be granted as there is no separate dwelling unit for which complainant has applied for new electricity connection. Already one connection having CA No. 154341941 is energized in the said portion for parking purpose. Therefore, another connection on the same portion cannot be granted.

10. Therefore, from both the applications of the complainant for new connections, one application for the ground floor cannot be granted and other application for upper ground floor can be granted.

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ORDER


The complaint is partially allowed. OP is directed to release the new connection to the complainant vide application no. 8006654435, at D-196, Upper Ground Floor, Gali No 3, West Vinod Nagar, Delhi-110092 after completion of all the other commercial formalities as per DERC Regulations 2017. Regarding application no. 8006674198 for Ground floor, same is rejected.


OP is further directed to file compliance report within 21 days from the date of this order.


The case is disposed off as above.


No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


(S.R. KHAN)
MEMBER-TECH


(P K SINGH)
CHAIRMAN


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER