

C A No. Applied for
Complaint No. 170/2024

In the matter of:

Mehndi HasanComplainant

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. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Mr. Lalit, On behalf of BYPL

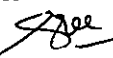
ORDER



Date of Hearing: 03rd September, 2024


Date of Order: 09th September, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 11/430, Third Floor, Gali No. 11, Lalita Park, Laxmi Nagar, Delhi-110092, vide requests no. 8006830805. The application of complainant was rejected by OP on the pretext of Dues at site, Meter already exist, mismatch applied and existing meter address and building height is more than 15 meters.

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Secretary
CGRF (BYPL)

 1 of 5

Complaint No. 170/2024

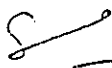




2. The respondent in their reply briefly stated that the complainant applied for a new electricity connection at property no. 11/430, Third Floor, R/S, Gali No. 11-A, Lalita Park, Laxmi Nagar, Delhi-110092, vide request no. 8006830805 under domestic category and said application was rejected on following grounds:

- a) Same site Energy dues against CA No. 152560071. Meter against CA no. 152560071 has been removed on 16.01.2024 on account of non-payment of energy dues and this issue is currently pending adjudication before this Hon'ble Forum against "CG-441/2023" titled as "Nafees Ahmed Vs BSES-YPL". Interestingly now complainant is seeking new connection against the same premises.
- b) Applied address us under MCD Objection list at Serial No. 825.
- c) Applied premise has a height more than 15 meter.
- d) Prior to grant of new meter, removal of Meter required-70055631.

In response to the reply, the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply. The complainant submitted that the respondent change the ground of rejection and mentioned that the building of complainant is in MCD Objection list, which is wrong and denied as per Regulation 11(iv) DERC Regulations 2017, even otherwise the objection taken by the respondent in their reply as the applied building having address 11/430 and MCD booked building having address 11/429. It is clear that both premises are different. The another objection of pending of dues of CA No. 152560071 is also not maintainable as the said dues are of adjacent flat on the third floor of Mr. Nafees Ahmed and complaint is not liable to pay the dues of another person's flat.

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Complaint No. 170/2024

The third objection of height above 15 meter of applied premises is also not maintainable as the applied connection is on the third floor of the premises and well below 15 meter of height. However, if the respondent agree to release the new connection, the complainant ready to submit the Architect Certificate in favor of his claim.


3. Arguments of both parties are heard at length.
4. From the narration of facts and material placed before us we find that the OP raised three fold objections for rejecting the application of the complainant firstly, pending dues of CA No. 152560071. Secondly, the applied address is appearing in MCD objection list and thirdly the height of the building is more than 15 meters.
5. As far as legal position is confirmed according to DERC (Sixth Amendment) order, 2021 dated 15.04.2021:2.0

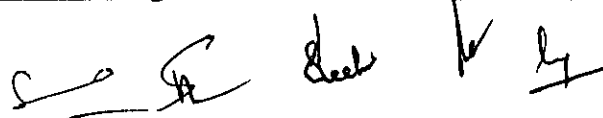
(3) In case of residential buildings, for release of electricity connection the Distribution Licensee shall not insist for Fire Clearance Certificate for the residential building having height up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.

4(1) In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the distribution licensee shall:

- (i) release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:

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Complaint No. 170/2024

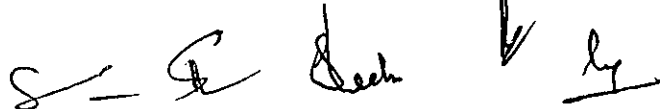
- (ii) in the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:

6. Regarding the first objection of OP, the complainant stated that the dues of CA no. 152560071 as demanded by the OP pertains to Mr. Nafees Ahmed who is residing in the adjacent flat and the complainant is not liable to pay the said dues.

Regarding second objection of OP, applied address in MCD objection list, OP has not placed on record any MCD letter in this regard, they have only placed one excel sheet and also the address in MCD list is 11/429, Lalita Park, Laxmi Nagar, whereas the address of the complainant is 11/430, Lalita Park, Laxmi Nagar which is also evident from the property papers submitted on record by the complainant, thus this objection of OP is not sustainable.

Regarding third objection of OP, the height of the building is more than 15 meters, as per the above stated regulation, in this regard it is observed that the complainant applied for domestic connection at third floor and third floor is well within 15 meters height. Although the complainant has placed on record Architect certificate submitting the height of the building is less than 15 meters.

7. In view of the above findings, we are of considered opinion that the objections raised by OP are not sustainable; therefore, OP is directed to release the new electricity connection as applied for by the complainant.



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Complaint No. 170/2024

8. In view of the above, we do not file any reason to reject the application of the complainant for name change.

ORDER

The complaint is allowed with direction to OP to release the new electricity connection as applied for by the complainant after completion of other commercial formalities as per DERC Regulations 2017.

OP shall also 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