

C A No. Applied for
Complaint No. 348/2024

In the matter of:

Mohd Alam & Mohd AsifComplainant

VERSUS

BSER Yamuna Power Limited Respondent

Quorum:

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

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht & Ms. Chhavi Rani, on behalf of respondent

ORDER

Date of Hearing: 06th August, 2024

Date of Order: 07th August, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connections at premises no. 2616-2620, Ground Floor, Pvt no. 3, Ward VII, Gali Gafoor Baksh, Mohalla Niyariyan, Behind G B Road, Delhi-110006, vide requests no. 8006985066 & 8006989510. The application of complainant was rejected by BYPL on the pretext of Fire Safety Clearance Required for Building height is more than 15 meter and Building structure (G+6).

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for two new electricity connections at premises 2616-2620, Ground Floor, Gali Gafoor Baksh, Mohalla Niyariyan, Behind G B Road, Delhi-110006, vide requests no. 8006985066 & 8006989510. The application of the new connections were rejected on account of Building structure of G+ 6 mixed use building, for which either BCC or Fire Clearance Certificate is mandatory and compulsory.
Upon site inspection, it was observed that height of the applied premises which is a mix use structure is more than 15 meter therefore the complainants are required to provide valid BCC and NOC from the MCD and Fire Department as per applicable provisions of DERC (Supply Code & Performance Standards) Regulations, 2017.
3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant stated that applied premises are under the 15 meters height. Hence, no need BCC/Fire Clearance Certificate. He also states that all the objections raised by OP are false and fabricated. He also provides details of the connections energized by OP in the said building.
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 applied for new electricity connections which OP rejected on pretext of the height of building is more than 15 meters because Building structure of G+ 6, therefore, fire safety certificate or BCC is required.

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CGRF (BYPL)

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The complainant further contented that OP has recently released two connections in the same building, to which OP stated that the connections released by them are domestic connections whereas the complainants has applied for new electricity connections under commercial category, therefore they are unable to release the commercial connections without valid BCC or NOC from MCD or fire clearance certificate as the height of the building is more than 15 meters.

6. 2.0 Amendment in Clause 2 of the Principal Order: Sub-clause (3) and sub clause (4) shall be inserted at the end of Sub-clause (2) of Clause 2 of the Principal Order namely; (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 upto 15 meters without stilt parking and upto 17.5 meters with stilt parking.
7. As per the above regulation, it is clear that only in residential units connections can be released to the floors below 15 meters without insisting for fire clearance certificate where height of the building is more than 15 meters, but in the present case the height of the building is more than 15 meters and the complainant has applied for new electricity connections under NX category for shops and for release of new commercial electricity connection the complainant has to submit BCC or NOC from MCD or fire clearance certificate.

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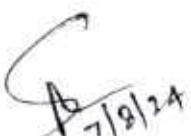
Complainant No. 348/2024

ORDER

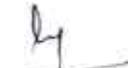
The complaint is rejected. OP his rightly rejected the application of the complainant of the new connection. This Forum is unable to give any relief to the complainant.

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