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B Y P L

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

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SECY/CHN 015/08NKS

C A No. Applied For Complaint No. 86/2022

In the matter of:

Mohd ImranComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Katha Mathur, On behalf of BYPL

ORDER

Date of Hearing: 09th June, 2022

Date of Order: 17th June, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent has not released the new connections till date.

The complainant's grievance is that he applied for new electricity connection vide application no. 8005492558 at fourth floor of the premises number 3040, Kuncha Pandit, Shah Ganj, Near Ajmeri Gate, Delhi-110006, but respondent

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rejected his application for new connection on pretext of premises under MCD objection list. He also submitted that on 01.12.2021 respondent released a new electricity connection on the third floor of the same premises vide CA No. 153562852 in the name of Mohd Irfan Ansari. Therefore, he requested the Forum to direct the respondent for immediate release of new connection.

Notices were issued to both the parties to appear before the Forum on 19.05.2022.

The respondent in their reply submitted that applicant Mohd Imran applied for new electricity connection under domestic category vide application no. 8005492558 at 4th floor, 3040, Kucha Pandit Shah Ganj, Near Ajmeri Gate, Delhi-110006. During site verification it was found that applied address of the premises for which new electricity connections has been applied is appearing in the objection list of EDMC & applied building height is more than 15 meters. It is further submitted that request for new connection against application no. 8005492558 was rejected due to premises 4th floor being booked by EDMC. Earlier the connection on third floor was released on same building as only fourth floor i.e. complainant's premises is booked by EDMC.

The matter was listed for hearing on 19.05.2022, when complainant was directed to file No Objection Certificate from EDMC.

The matter was finally heard on 09.06.2022, when arguments of both the parties were heard and matter was reserved for orders.

Respondent vide their mail dated 15.06.2022, submitted site visit report mentioning therein height of the building as 17.10 meters.



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The main issue in the present complaint is for releasing the connection in favour of the complainant.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we are of considered opinion that the flat of the complainant which is on the 4th floor of building no. 3040, Kuncha Pandit, Shah Ganj, Near Ajmeri Gate, Delhi-110006, where new connection is applied for is booked by EDMC vide EDMC's two orders dated 02.03.2021 and 05.04.2021 vide order no. D-331/EE(B)-II/City-S.P.Zone/2021 dated 02.03.2021 mentioned at sl. No. 8 and D-02/SE/EE(B)-II/City-S.P.Zone/2021 dated 05.04.2021, mentioned at Sl. No. 13.

As decided by Hon'ble Calcutta High Court, In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court. The Court is of opinion that electricity is the basic necessity.

As per the site visit report submitted by the respondent it shows that the building is from Ground floor till 4th floor without stilt parking and the height of building is 17.10 meters. Therefore, the below mentioned sixth amendment of DERC is not applicable in the present case.

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.

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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.

Therefore, we direct

1. On the basis of the record submitted before the Forum, respondent is directed to release the connections to the complainant on filing the Building Completion Certificate from EDMC/or fire clearance certificate and after fulfilling all the commercial formalities as per DERC Guidelines 2017.

The case is disposed off as above.

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

Proceedings closed.


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)
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