



C A No. Applied For
Complaint No. 48/2024

In the matter of:

MohdParvez

BSES 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. Imran UlHaq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPI

ORDER

Date of Hearing: 11th July, 2024

Date of Order: 16th July, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant Mohd Parvez applied for new electricity connection vide request no. 8006631840at his premises no. R-152, GF, Ramesh Park, Laxmi Nagar, Delhi-110092. Complainant further submitted that his application for new connection was rejected by OP on the grounds that Building height is more than 15 meters, BCC or fire clearance certificate is required also, applied and existing address are different.

Attested True Copy
John
Secretary
CBRF (BNPL)

Sp. 100

are different.

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2. The respondent in reply briefly stated that the complainant is seeking new electricity connection vide request no. 806631840 under commercial category at ground floor of premises no. R-152, Ramesh Park, Laxmi Nagar, Delhi-110092. The application of the complainant was rejected for want of NOC from fire department as the building structure consists of basement plus ground floor plus four floors over it. Details of the existing connections are as under:

S.No.	CA No	R/C	Category	Floor
1	151681664	Imanpreet Kaur	DX	Basement
2	151267571	Yusuf Ahmad	NX	GF
3	151681663	Imanpreet Kaur	DX	U GF
4	154277986	Tabassum Farah	DX	SF
5	151170994	Farzana	DX	TF

3. Counsel of the complainant in rebuttal reiterated his original complaint. Rejoinder further states that the building in which the complainant has applied for new electricity connection is a mix use building and as admitted by OP, building is built ground plus four floors over it therefore there is no need to submit fire clearance certificate for release of new electricity connection.

4. Heard arguments of both the parties at length and perused the record.

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5. From the narration of facts and material placed before us we find that the complainant has applied for new electricity connection under commercial category which OP rejected on ground that building height is more than 15 meters. The site map submitted by OP along with its IR shows that building structure is basement + ground + upper ground + first + second + third + fourth floor. The complainant's contention is that the structure on fourth floor is temporary structure and same should not be considered in measuring height of the building. Neither the complainant nor OP has mentioned the exact height of the building nor the area covered on the fourth floor or its temporary structure or permanent.

The building structure is ground + upper ground + four floors over it, and the said fact is not denied by the counsel of the complainant. It is apparent that if we consider height of each floor 3 meters then the height of the building is approx 18 meters which is beyond the prescribed limit, thus for grant of new electricity connection, the complainant has to file fire certificate/building completion certificate from the concerned authorities.

6. 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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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 approx 18 meters which is more than the prescribed limit.
8. Therefore, we are of considered opinion that the complainant cannot be given benefit of the sixth amendment as above.

ORDER

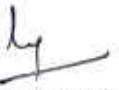
The complaint is rejected. OP has rightly rejected the application of the complainant of the new connection. This Forum is unable to give any relief to the complainant.

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