

C.A. No. Applied For
Complaint No. 593/2024

In the matter of:

Narender Singh

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Suraj Aggarwal, Counsel of the complainant
2. Mr. Akash Swami, Mr. R. S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 13th February, 2025

Date of Order: 18th February, 2025

Order Pronounced By :- Mr. P.K. Agrawal, Member (Legal)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new (Temporary) electricity connection at premises no. Marriage Chunk-B, Main Road, Nand Nagari, Near Gagan Cinema, Delhi-110093, vide request no. 8007213545. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of absence of Fire NOC and title deed, but the complainant stated that he has filed clarification on the raised all

Attested True Copy objections.

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Therefore, he requested the Forum for directing the respondent for release of new connection.

2. The respondent in its reply briefly stated that the present complaint has been filed by complainant seeking for temporary new connection at the premises no. Marriage Chunk-B, Main Road, Nand Nagari, Near Gagan Cinema, Delhi-110093, vide request no. 8007213545. The application of the new connection was rejected on account of Firstly - there is noNOC from Fire Department which is a mandatory condition for running Banquets/Marriage Halls as per Rule 27 of Delhi Fire Service. Secondly- No valid title Documents qua the applied premises have been filed.

Hence, Violation of the provisions of Electricity Act & Regulations framed in DERC (Supply Code & Performance Standards) Regulations, 2017.

3. Counsel for the complainant rebutted the contentions of the respondent as averred in their reply, and submitted that the complainant applied for temporary connection for wedding pandal whereas the OP is representing the case of the complainant as permanent pandal. Complainant stated that no such NOC is given by the fire department for temporary pandal (Temporary Construction).

Rejoinder further added that the CA No. 351399229 sanctioned by respondent for a similar application in our neighborhood, at Marriage Chunk - A, Main Road, Nand Nagri, Near Gagan Cinema, Delhi-110093 in the name of Pushpender Jain which is a clear proof of the fact that Fire Safety Clearance is not required for temporary application in temporarily allotted places.

4. Heard arguments of both the parties at length.

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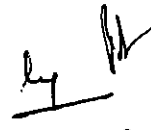
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5. From the narration of facts and material placed before us, we find that the complainant applied for temporary new electricity connection under commercial category for Marriage Pandal at Marriage Chunk-B, Main Road, Nand Nagri, Near Gagan Cinema, Delhi-110093, which was rejected by OP. The complainant in its rejoinder and during arguments pleaded that OP has released many connections in this type of pandals without asking for Fire NOC. The complainant also provided the CA no. of his neighboring pandal Marriage Chunk - A, Main Road, Nand Nagri, Near Gagan Cinema, Delhi-110093 in the name of Pushpender Jain where OP has released the new electricity connection.
6. Thus, this Forum has to decide
1. Whether the complainant has provided valid title documents qua the applied premises, and
 2. Whether the complainant has to provide NOC from Fire Department which is said to be a mandatory condition for running Banquets/Marriage Halls as per Rule 27 of Delhi Fire Service Rules.
7. Before disposal of the present case, it is necessary to deal with the relevant rules and regulations.
8. As regards the reason for rejection, that is, absence of proper title deed - we find in the records that the complainant has provided a NOC from Kanishka Traders, Pushpender Kain, son of Yogesh Jain, r/o Marriage Chunk-B, Nand Nagri, Near Gagan Cinema, Delhi-110093. This NOC says that "we have no objection if a new electricity connection is issued in the name of Sh. Narender Singh, s/o Sh. Ajit Singh, who is my partner, but it does not provide any documentary evidence for the relation / chain between the person by whom the NOC is issued and the person to whom NOC is issued.

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It does not disclose the validity of the title of person issuing the NOC and how he can pass on the valid title to the person to whom NOC is issued. Thus, the complainant has failed to prove his ownership or lawful possession of the property.

9. As regards the reason for rejection on the ground of absence of NOC from Fire Department which is said to be a mandatory condition as per Rule 27 of Delhi Fire Service Rules, we need to examine the relevant rules. Rule 27 (1) of the Delhi Fire Services Rules 2010, narrated below stipulates that the pandals having seating capacity more than 50 persons or covered area more than 50 square meters are at risk of fire.

27. Classes of occupancies likely to cause a risk of fire. Occupancies for the purposes of sub-section (1) of section 25 of the Act shall be construed to likely cause a risk of fire, namely:-

(1) Pandal having seating capacity more than 50 persons or covered area more than 50 square meters.

Rule 30 of Delhi Fire Services Rules 2010, stipulates the requirement from erector of a pandalas follows:

Form of declaration: The erector of pandal shall, for the purposes of sub-section (2) of section 26 of the Act, make declaration in Form 'D' in first schedule.

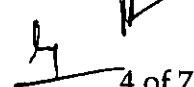
From the above rules, it is very clear that the erector of a pandal has to obtain NOC from the Fire Department after submitting his declaration in Form 'D' if the Pandal is having seating capacity more than 50 persons or covered area more than 50 square meters.

- * There is no distinction between temporary or permanent pandal as the complainant has sought to argue. In common parlance all pandals are of temporary nature. The definition of pandal has been given in Municipal Corporation of Delhi's Circular No. Addl.Comm.(B)HQ/MCD/2022/D-

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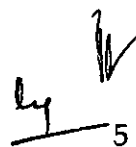
In the definition close of this letter- "Pandal means a temporary structure with roof or walls made of straw, hay, ulu grass, Gol Patta, hogla, derma, mat, canvas, cloth or other material which are not used for pucca / semi pucca structure and fibre,prelam board, steel, wood, board etc which is not adopted in permanent construction.This structure shall be on the open area meant for holding a social function for which permission has been obtained."In view of this the argument of the complainant regarding the distinction between temporary or permanent pandal is fallacious and does not hold water.

Municipal Corporation of Delhi's Circular No. Addl. Comm.(B)HQ/MCD/2022/D-024 dated 22/07/2022 and another circular no. D-55/CE(B)HQ/2022 dated 28.10.2022 lay down the procedure for obtaining license for erecting pandals. In the later circular, at point 'F' it has been clearly mentioned as under:

Procedure to be adopted: The applicant shall apply for permission to hold social function to the office of Ex. Engineer(Bdg.) of the concerned Zone. The applicant shall be responsible for getting the necessary N.O.C. from all the concerned N.O.C. agencies before holding the function (Delhi Fire Services Department, Delhi Traffic Police, Delhi Pollution Control Committee, Health Department-MCD, etc., whichever applicable).

It may reiterated that all applicable NOCs like Fire, Delhi Traffic;Police, Health Department (MCD), etc., is the Applicant's responsibility and the same are to be obtained by the Applicant itself before holding the social function.

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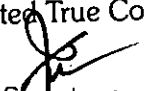

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We can see that the complainant has failed to submit his declaration in Form D to the Fire Service Department and obtain NOC from Fire Department which is said to be a mandatory condition for erecting pandals as per Rule 27 of Delhi Fire Service Rules.

10. Thus, in the absence of clear title deed and the valid Fire Clearance Certificate, the Forum is unable to give any relief to the complainant. The new connection application of the complainant has been rightly rejected by OP for want of providing necessary documents as mentioned above.
11. Regarding the objection of the complainant that the OP has released many connections and one in his neighboring pandal, we cannot accept the application of the complainant on the basis of negative parity. Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."
12. However, we are of considered view that granting electricity connection without ensuring safety, in violation of DERC Regulation and prevalent laws, is a serious matter. This order should be placed before the CEO of the BYPL for causing enquiry and fixing of staff accountability as to how and under what circumstances the new electricity connections for marriage pandals, particularly CA No. 351399229, were released

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ORDER

The complaint is rejected. OP has rightly rejected the application of the new connection of the complainant, since the complainant failed to provide Fire Safety Clearance Certificate and documents proving his lawful possession or ownership.

OP is also directed to file compliance report within 21 days of the action taken against the already released connections form marriage pandals without obtaining Fire Safety Clearance Certificate.

The parties are hereby informed that instant order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.

(H.S.SOHAL)
MEMBER

(P.K. AGRAWAL)
MEMBER (LEGAL)

(S.R. KHAN)
MEMBER (TECH.)

(P.K.SINGH)
CHAIRMAN

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