

C A No. Applied For
Complaint No. 168/2024

In the matter of:

Nidhi Kumari

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 02nd July, 2024
Date of Order: 05th July, 2024

Order Pronounced By Mr. S.R. Khan, Member (Technical)

1. The complaint has been filed by Ms. Nidhi Kumari against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Ms. Nidhi Kumari applied for new electricity connection vide request no. 8006794509 at premises no. Old No-1-76-A, G/F, New No-1-29, Garhwali Mohalla, Laxmi Nagar Delhi-110092, but respondent rejected the application of the complainant for new connection on the pretext of

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connection already exists and parking converted into commercial site but complainant stated that she will surrender her parking meter if the connection is released for the ground floor. Therefore, she requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking an electricity connection for the premises bearing no Old No-1-76-A, G/F, New No-1-29, Garhwali Mohalla, Laxmi Nagar Delhi-110092 vide application no. 8006794509 and said application of the complainant was rejected on account of already connection exists in the applied portion.

At the time of inspection of the said premises, it was discovered that there are several deficiencies which are in direct violation of the Delhi Electricity Regulatory Commission Regulations 2017. That the deficiencies which were discovered upon inspection the applied premises are being stated herein below.

- a) At present, the premise in question already has 5 existing meters, details of which are tabulated herein below.

Meter No.	Application No.	Floor	Category	DOE
35809660	Nidhi Kumari	Parking	Dom 3	18.04.2024
35808626	Nidhi Kumari	UGF	DX	18.04.2024
35808625	Nidhi Kumari	Third Floor	DX	18.04.2024
35808627	Nidhi Kumari	First Floor	DX	18.04.2024
35808624	Ranjeet Kumar	Second Floor	DX	18.04.2024

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b) All these connections were obtained on the building structure consisting of parking but now complainant has converted the parking into a NX site which makes the existing connection obtained inconsistent.

Accordingly, the applied connection is rejection in terms of the deficiency discovered at i.e. connection already exist which were sanctioned with parking/17.5 mtr building height exemption.

3. Rejoinder filed by counsel for the complainant refuted the contentions of the respondent as averred in their reply and stated that the complainant has already given his affidavit/undertaking to remove the parking connection vide CA No. 154106296 having meter No. 35809660 at the time of installation of non-domestic connection. It is further submitted that the complainant is ready to submit the architect certificate for building height. It is respectfully submitted as per 06th amendment, the complainant is entitled to get the electricity connection in his name.

He also submitted that he moved an application under Right to Information Act to DERC thereby requesting for getting the information about mixed used land and DERC has given its reply on 16.04.2024 stating therein that "DERC has not issued any new amended guidelines/notification in the month of June 2023 on release of electricity connections. Neither has DERC issued any latest guideline/notification regarding not to release any new connection on mixed use building without fire clearance etc. furthermore, no internal guideline/policy of BSES has been approved by DERC."

4. Heard both the parties and perused the record.

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5. From the narration of facts and material placed before us we find that earlier the complainant got new connections in the building in the year 2023 and 2024 respectively for parking, upper ground floor, first, second and third floor by showing ground floor as parking and getting benefit of 6th amendment of DERC Regulations. Now the complainant has applied for commercial connection at the ground floor by converting parking into shop and also file an affidavit in this regard, that she is ready to surrender the existing parking connection.

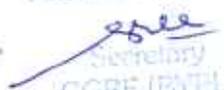
OP has clear its stand that connections already exists were sanctioned with parking/17.5 meters building height exemption.

6. 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;
- (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:

Attested True Copy


Secretary
CGRF (BTP)









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Provided that in case such dwelling units above 15 meters without stilt parking and above 17.5 meters with stilt parking of the building indulge in unauthorized connection from the system of licensee or from the live connection of any other consumer, the licensee may initiate an action as per provisions of Section 126, Section 135, Section 138 or any other section as may be applicable of the Electricity Act, 2003 and the electricity connection of such consumer who has provided the supply unauthorisedly, shall be disconnected immediately;

7. Therefore, we are of considered opinion that complainant cannot be benefited with the above stated 6th amendment of DERC. As per the above stated Regulation the height of the building for domestic connections with parking should not be more than 17.5 meters and without parking 15 meters and already the complainant got the connections energized in the building by showing parking at ground floor and now converting the said parking into shop will not allow the complainant to get the new electricity connection under non-domestic category.

ORDER

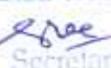
Complainant is rejected. OP has rightly rejected the application of the complainant for new connection under non-domestic category.

The case is disposed off as above. No order as to the cost. Both the parties should be informed accordingly.


(S.R. KHAN)
MEMBER -TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN

Attested True Copy

Secretary
CGRF (BYPL)


(P.K. AGRAWAL)
MEMBER -LEGAL


(H.S. SOHAL)
MEMBER