



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. 525/2024

In the matter of:

Omana GopalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Ms. Omana Gopal, Complainant
2. Mr. Prashant Sharma, Mr. R.S Bisht & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 27th February, 2025

Date of Order: 06th March, 2025

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 connection vide request no. 8006970521 at premises no. B-71, 4th Floor, Gali No.-10, Shashi Garden, Patparganj, Mayur Vihar, Ph-I, Vill-Kotla, Illaqa Shadara, Delhi - 110091. It is further submitted that respondent rejected the application for new connection on the pretext of " Building

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completion certificate required, applied on 5th floor and mismatch between applied address and existing meter bill address-55131060, but complainant stated that all others on the same floor already have connections.

2. The respondent in reply briefly stated that the complaint has been filed by the complainant seeking for new connection under domestic category for a load of 1 KW at the premise no. B-71, 4th Floor, Gali No.-10, Shashi Garden, Patparganj, Mayur Vihar, Ph-I, Vill-Kotla Illāqa, Shadara, Delhi -110091 vide request no. 8006970521. The application of the complainant for new connection was rejected on grounds that during the inspection made by the respondent, it was found that the applied premises is 4th floor but is actually 5th floor of the building. Hence, the building completion certificate as well as the fire clearance certificate is mandatory to provide the new electricity connection as per law. That the aforesaid building structure is ground floor + upper ground floor + 4 floors over it exceeding the height of building more than 15 meters.

Reply further states that the address of the applied premises was mismatched with the address mentioned in the electricity bills of existing electricity connections/meters bearing no. 55131058 and 55131060.

In terms of clause 4 (II) of schedule of charges and the procedure (Sixth Amendment) order, 2021 of DERC (Supply Code and performance standards) Regulations 2017.

3. Complainant filed rejoinder refuted that contentions of the respondent as averred in their reply and submitted that the ground floor of the building consists of water pumping motors and two wheeler parking area.



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Above the ground floor, from 1st floor till 4th floor each floor has four flats and the complainant's flat is on 4th floor. There is no residence on the ground floor. All the flats in the building have electricity connection except her flat.

Both the parties were directed to conduct joint site visit to ascertain the factual position at site.

The site visit report submitted by OP states that applied floor is effectively 5th floor (G+5) (top floor).

Top floor have three flats, one flat pertain to applicant other two flats have no sanctioned meter as per old IR report (when connection was sanctioned) but currently both meter are being used at 5th floor (top floor).

Site visit was again conducted on 24.02.2025 and it was mentioned that the height of building from ground floor till first floor is 8.5 feet i.e. approx 2.59 meter.

During the course of arguments it was also stated that there are two shops on GF alongwith scooter parking, therefore the complainant cannot be benefited with the sixth amendment of DERC Regulations.

4. OP filed additional submissions quoting therein the order of the Hon'ble Ombudsman in the matter of Lalita Gupta Vs BYPL. As per the orders of the Ombudsman , the complainant would withdraw application for NX connections on the ground floor and also remove shutter from ground floor.
5. Heard both the parties and perused the record.

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6. DERC vide order dated 15.04.2021, issued sixth amendment, states 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:

It shows that only residential buildings below 17.5 meters can be given domestic connections.

7. In the present case, the building was constructed as building bye-laws keeping ground floor as stilt parking having height of approx 2.59 meters and four floors above that. The structure is completely as per prescribed bye-laws but later on two shops were added in the stilt parking area on both the sides. The entire building has different flat owners.





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The order of Ombudsman in the matter of Lalita Gupta Vs BYPL filed by OP along with their additional submission is somewhat similar to the present case; the only difference is that the owner of the building is single whereas in the present case the owners are different. The complainant has no concern with the shops at ground floor and she/he cannot be penalized for illegal action of others as ground floor is scooter parking area and water pumping motors as evident from the height of the ground floor being 2.59 meters.

8. From above deliberations we are of considered opinion that the complainant is well within her right for grant of new electricity connection as per above stated sixth amendment of DERC Regulations. The shops in the stilt area are illegal and OP should take corrective action against the said connections of the shops on the ground floor. The complainant is therefore entitled of getting new electricity connection on the 4th floor of the building in question. For illegal action of other persons, the legally allowed connection of applicant cannot be denied.
9. In view of above OP is directed to release the connection to the applicant and take necessary action against illegal connections on ground floor.

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ORDER


The complaint is allowed. Respondent is directed to release the new connections applied by complainant vide application no. ~~8006713174~~ ⁸⁰⁰⁶⁹⁷⁰⁵²¹ at premises no. ~~B-37, first floor, Jhilmil Industrial Area, Shahdara, Delhi-110095~~ ^{B-71, 4th floor, Gali No. 10, Shashi garden, Katparganj, Mayapuri Phase-I, Delhi-110091} after completion of all the commercial formalities required for giving connection as per DERC Regulations 2017. This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.


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