

C G R F



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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SECRETARY

C A No. Applied For
Complaint No. 105/2024

In the matter of:

Rajat Aggarwal

.....Complainant

VERSUS

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)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Ravi Tiwari, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 04th June, 2024

Date of Order: 06th June, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant applied for new electricity connection at premises 1139, Pvt. No. 311(1139/311), 3rd floor, Kucha Mahajani, Chandni Chowk, Delhi-110006, vide application no. 8006759192. The application of the complainant was rejected by Opposite Party (OP) BYPL on the pretext of requirement of fire safety clearance certificate required for building height more than 15 meters, ground plus four floors are totally commercial and 5th floor is having temporary tin shed.

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2. The respondent in reply briefly stated that new electricity connection has been applied by the complainant vide request no. 8006759192 at premises no. 1139, pvt. No. 311 (1139/311), Kucha Mahajani, Chandani Chowk, Delhi-110006 and said application of the complainant was rejected as applied premises consists of ground plus four floors over it with a tin shed on roof of fourth floor covering around 50 sq yards making height of the building more than 15 meters. As such applicant is required to submit Fire Safety Clearance Certificate or a building Completion Certificate (BCC) in lieu thereof. OP further added that building is commercial in nature and has 18 connections.
3. Rejoinder filed by counsel of the complainant refuted the contentions of the respondent as averred in their reply and stated that the tin shed over the fourth floor is only covering 50 sq yards out of total plot area of 100 sq yards. He further stated that OP itself has released a new commercial connection on the second floor of the building of the complainant in November 2023, and that too without any Building Completion Certificate, therefore, he is also not required to file fire clearance certificate or building completion certificate for release of new domestic connection.
4. Heard arguments of both the parties were heard at length.
5. The issue is whether the new connection can be granted to the complainant for 3rd floor under domestic category?

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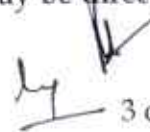
6. From the narration of facts and material placed before us we find that it is admitted fact that building structure is ground plus four floors over it. Only because of tin shed above the fourth floor and that too only in 50 sq yards of total area of 100 sq yards, OP rejected the application of the complainant for new connection under domestic category. We also find that OP has released a new electricity connection on 11.11.2023 under commercial category on second floor of the applied building without any Building Completion Certificate or Fire Clearance Certificate.
7. 2.0 Amendment in Clause 2 of the Principal Order: Sub-clause (3) and sub clause (4) shall be inserted at the end of Sub-clause (2) of Clause 2 of the Principal Order namely; (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 upto 15 meters without stilt parking and upto 17.5 meters with stilt parking.
8. In view of the above, we are of considered opinion that the complainant has applied for domestic connection on third floor of premises no. 1139, pvt. No. 311(1139/311) Kucha Mahajani, Chandani Chowk, Delhi-110006 and according to aforesaid, it is clearly mentioned that in the buildings where height within 15 meters, licensee shall not insist for fire clearance certificate as third floor is within 15 meters of height and complainant has applied for domestic connection, the same may be granted.
9. Therefore, in the present case the complainant has applied for new electricity connection on the third floor which is within the height of 15 meters therefore, we are of the view that the respondent may be directed to provide the domestic connection.

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ORDER

Complaint is allowed. OP is directed to release the new electricity connection as applied for by the complainant under domestic category vide application no. 8006759192 at premises no. 1139, pvt. No. 311(1139/311) Kucha Mahajani, Chandani Chowk, Delhi-110006 after completion of all the commercial formalities as per DERC Regulations 2017 and sixth amendment.

OP is further directed to file compliance report within 21 days from the date of this order.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN
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