

C A No. Applied for
Complaint No. 301/2024

In the matter of:

Ram Parvesh Mandal

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Lalit & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 28th November, 2024

Date of Order: 04th December, 2024

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for a new electricity connection at premises no. 340/465-B, Plot No.-10, Gali No.-1, G.T. Road, Friends Colony, Industrial Area, Shahdara, Delhi-110095, vide requests no.8006905543. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Fire Safety Clearance required for building height more than 15 meters, MCD Objection and Mismatch between applied address and existing meter bill address.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at the Second floor of the property bearing no. 340/465-B, PVT Plot No.-10, Gali No.-1, G.T. Road, Friends Colony, Industrial Area, Shahdara, Delhi-110095, vide requests no.8006905543. The application of the new connection was rejected on following grounds:



Firstly; Applied address found in MCD Objection list circulated to BSES vide letter nos. EE(B)-I/SH-N/2023/D-200, EE(B)-I/SH-N/2023/D-151 and EE(B)-I&II/Shah/(S)2020-2021/D-1436. In the said lists subject property is shown at serial nos. 6, 22&23 and 457&505.

Secondly; Building structure consists of Ground+ Mezzanine+ Four Floors over it, building height is more than 15 meters such fire clearance certificate or Building completion certificate in lieu thereof is required.

Thirdly; Existing meter no. 19007764 has billing address as 465-B, Friends Colony, GT Road which is different from applied address.

Thus, as a pre-condition for releasing a new NX connection at the premises, complainant is required to remove the deficiencies by providing Building completion certificate and by applying from correct address. Regarding fire certificate requirement reference be made to new connection form and also to regulation 7 read with clause 36 of CEA (Measures relating to safety and electric supply Regulation 2010).

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that his premises is not booked by the MCD and as per version of the respondent, it is not clear that the property is booked by MCD and the respondent shown the suspect upon it only and the booking list attached by the respondent

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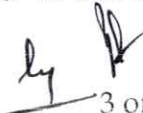
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is not clear and in which the respondent shown the property bearing Khasra no. 340. Plot no. 1184/20 (Near R.K. Auto Mobile), Near underpass Friends Colony, Industrial area, Jhilmil, Delhi is in the name of Mr. Rahul Sharma and this premises is situated nearest Hero Service Centre and the said property is at a distance from the property of the complainant. As per second list, the respondent also mentioned the another properties i.e. property no. 340 (part), Friends Colony, Industrial Area, Delhi booked is in the name of Mr. Arun Verma which is also situated nearest the Hero Service Centre and in which one electricity connection is installed by the OP. Complainant stated that the OP has also shown the property bearing no. 340 (part), Friends Colony, Industrial Area, Delhi is booked in the name of Devender Gupta and the said property is also just adjacent the aforesaid property bearing no. 340. It is further stated that complainant is having his property in his name bearing no. 340/465-B, Plot No. 10, Gali No.-1, GT Road, Friends Colony, Industrial Area, Shahdara, Delhi and the said booking list in which the mentioned properties are the different from the property of the complainant . The property bearing no. 340 was having area measuring 7000 square yards and in which containing 500 plots. Complainant stated that building is having height 15 meters above and the complainant has already submitted the architect certificate.

4. Heard arguments of both the parties at length.
5. During the course of arguments, both the parties were directed to conduct joint site visit and the complainant was directed to submit Architect Certificate.

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6. As per the joint site visit dated 16.10.2024, the building structure is ground plus mezzanine plus four floors over it. Height of the building is 16.35 meters and already one connection having meter no. 19007764 exists in the applied building.

7. From the narration of facts and material placed before us we find that the complainant applied for a new connection which OP rejected on pretext of the height of building is more than 15 meters because Building structure of G+5, therefore, fire safety certificate or BCC required. The building is appearing in MCD booking list and Address mismatch. Regarding the first objection of OP, there are multiple properties of same address and the OP could not ascertain which property is booked by MCD, therefore, this objection of OP of MCD booking is not sustainable.

Regarding second objection of OP of building height is more than 15 meters, In this regard, site visit report clearly shows that building structure is ground floor, mezzanine floor, first floor, second floor, third floor and fourth floor and total height of building is 16.35 meter, thus this objection of OP is sustainable.

8. During the course of argument, complainant filed Architect Certificate, but since the building is commercial building and the complainant has also applied for new electricity connection under commercial category therefore, we cannot direct OP to release the new electricity connection ^{by without} ~~with~~ valid BCC or NOC from the competent authority. Since the building structure is ground + mezzanine + four floors over, and the site visit report also shows that the height of the building it is more than 15 meters.


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9. 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 17.5 meters with stilt parking.

DELHI FIRE SERVICE RULES, 2010 UNDER DELHI FIRE SERVICE ACT, 2007 (DELHI ACT 2 OF 2009)

27. The following 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.
- (2) Residential buildings (other than hotels and guest houses) having height more than 15 meters or having ground plus four upper stories including mezzanine floor.
- (3) Hotels and guest houses having height more than 12 meters having ground plus three upper stories including mezzanine floor.
- (4) Educational buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (5) Institutional buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (6) All Assembly buildings.
- (7) Business buildings having height more than 15 meters or having ground plus four upper stories including mezzanine floor.
- (8) Mercantile buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (9) Industrial buildings having covered area on all floors more than 250 square meters.

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(10) Storage buildings having covered area on all floors more than 250 square meters.

(11) All Hazardous buildings having covered area on all floors more than 100 square meters.

(12) Underground Structures

10. As per the above regulations, it is clear that only in residential units connections can be released to the floors below 15 meters without insisting for fire clearance certificate where height of the building is more than 15 meters, but in present case the height of the building is more than 15 meters and the complainant has applied for new electricity connection under NX category and the entire building is commercial in nature and as per DFS rules quoted above, the complainant has to submit Fire Safety Clearance Certificate from fire department for release of the new connection.

11. In view of the above, this Forum is not inclined to grant any relief as requested by the complainant,.


ORDER


The complaint is rejected. OP has rightly rejected the application of the complainant for new connection.

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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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