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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

Phone: 32978140 Fax: 22384886

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C A No. Applied For
Complaint No. 79/2024

In the matter of:

Ramesh Khandelwal

.....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)
5. Mr. H.S. Sohal, Member

Appearance:

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

ORDER

Date of Hearing: 09th July, 2024

Date of Order: 22nd July, 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 Ramesh Khandelwal applied for new electricity connection vide request no. 8006682997 at his premises no. 1167, Kucha Mahajani, Chandani Chowk, Delhi-110006. Complainant further submitted that his application for new connection was rejected by OP on the grounds that Building structure is GF + 4 floors over it and fully commercial building and 5th floor is covered by tin shed making height of the building more than 15 meters, BCC or fire clearance certificate is required also, applied and existing address are different.

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2. The respondent in reply briefly stated that the complainant is seeking new electricity connection vide request no. 8006682997 under commercial category at lower ground floor of premises no. MPL 1167, Kucha Mahajani, Chandani Chowk, Delhi-110006. The application of the complainant was rejected for want of NOC from fire department as the building is commercial in nature and consists of a basement plus ground floor plus four floors over it and 30 sq yards is covered with tin shed structure on the roof of the 4th floor which is used as room.

It is claimed by the complainant that there is no fifth floor in the subject property and as per mail dated 28.12.2023 attached with the present complaint it is admitted as under:-

"Very small temporary structures exist and this is very common in all Chandni Chowk area."

In respect of height of the building and as to how it is to be measured a circular/letter dated 28.11.2019 was issued by Govt of NCT of Delhi wherein it is stated as under:-

Discoms have submitted that: there are several instances where the applicants do not agree with the results of the building height as measured by DISCOM official during the field inspection process. In this regard, it is informed that the unified Building Bye-laws for Delhi stipulate the provision for building: of height as under:



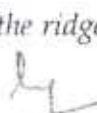

1.4.16 Building height:

a. The vertical distance in the case of flat roofs is measured from the height surrounding road level/ground level up to the top of structural slab, excluding machine room, irrespective of location of entry level.

b. In the case of pitched roofs, up to the point where the external surface of the outer wall intersect the finish surface of the sloping roof and in case of gable facing the road, the mid-point between the eaves level and on the ridge.

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c. Architectural features: serving no other function except that of decoration and other building components "mentioned in-clause no. 7.19 shall be excluded for the purpose of taking height.

d. If the building does not abut on a street, the height shall be measured from the highest level of the ground immediately adjacent to the building."

"7.4.9 Height exemptions:

The following structures shall not be included in the height of building covered under Building Bye Laws.

- i. Roof tanks and their supports not exceeding 1.8 m.
- ii. Ventilating apparatus, air conditioning equipments and lift machine room(s) if required as per the specification of lift manufacturer and similar equipments.
- iii. Stair covered with mummy not exceeding 3.0 m in height.
- iv. Chimney and parapet wall not exceeding 1.5 m in height.
- v. Screen wall upto the height of 1.8 m.
- vi. Solar panel fixed on terrace as per 7.17.2 (p).

3. Counsel of the complainant in rebuttal reiterated his original complaint. Rejoinder further states that the building in which the complainant has applied for new electricity connection is a mix use building and as admitted by OP, building is built ground plus four floors over it therefore there is no need to submit fire clearance certificate for release of new electricity connection. Over the fourth floor there is a temporary tin shed which OP is considering as fifth floor.

4. Heard arguments of both the parties at length and perused the record.

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5. Counsel of the complainant submitted additional submissions in which he mentioned previous order of the Forum in CA no. 186/2023 in the matter of Mohd Yasin, in which there was tin shed at the top floor and Forum has ordered to enhance the load of the complainant considering the tin shed as temporary structure.
6. From the perusal of the above, we find that the order of the Forum which complainant has placed on record is entirely different from the present case. In the matter of Mohd Yasin, the complainant has applied for load enhancement, where new electricity connection is already energized but in the present case the complainant has applied for new electricity connection. We also find that the picture of the tin shed placed on record shows that though the roof of the tin shed is of tin but it should not be considered as temporary structure as it is clearly visible that the structure is being used for some work and not for storing purpose only.
7. Therefore, in view of the above stated building bye laws, we are unable to give any relief to the complainant.


ORDER

The complaint is rejected. OP has rightly rejected the application of the complainant for new connection for want of Fire Safety Clearance Certificate. If the complainant in future produces the fire safety clearance certificate, OP should release the new electricity connection to the complainant after completion of all other commercial formalities as per DERC Regulations 2017.

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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.


(S.R. KHAN)
MEMBER -TECH


(P.K. SINGH)
CHAIRMAN


(P.K AGRAWAL)
MEMBER -LEGAL


(NISHAT A ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER

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