

C A No. Applied for  
Complaint No. 198/2024

In the matter of:

Ravinder Kothari

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi (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, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 9<sup>th</sup> July, 2024

Date of Order: 16<sup>th</sup> July, 2024

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 three new electricity connections at premises no. P.P.-4, Fourth Floor, Laxmi Nagar, Delhi-110092, vide request no. 8006762299. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Building height is more than 17.5 meter but complainant stated that he has already submitted BCC with sanctioned plan issued by MCD.

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Secretary  
CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking a new electricity connection on the fourth floor i.e. effective sixth floor of the property bearing no. PP-4, NA, Laxmi Nagar, Delhi-110092 vide request no. 8006762299. Upon inspection of the subject premises, it was found that the subject property consists of the ground floor plus the upper ground floor plus four floors over it. At the subject property, five electricity connections were found installed for domestic purposes. The details of said connections are mentioned below:

S.No.	CA No.	R/C	Floor	D.O.I.
1	153950895	Anuj Kumar Shukla	Lift, Parking	19.10.2022
2	153949039	Anuj Kumar Shuka	UG/F	13.10.2022
3	154136296	Radha Sabherwal	F/F	05.05.2023
4	153950897	Anuj Kumar Shuka	S/F	11.10.2022
5	153946362	Anuj Kumar Shuka	T/F	13.10.2022

As the applied floor is one the effective 6<sup>th</sup> floor, as such the building height is more than 15 meter, and as such the application of the complainant was rejected as he failed to submit either architect certificate of duly approved MCD architect to the effect that height is less than 15 meters or a BCC or fire certificate from the concerned department.

After the rejection of his application, the complainant submitted the BCC issued by MCD against the request ID: 10097435 dated 09.12.2022. As the BCC is about 1.5 year old, the same has been sent to MCD through E-mail dated 06.02.2024 for its verification.

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As no response was received from MCD reminder mail was sent on 03.05.2024. However, till date no response has been received from MCD. As the connection is requested on effective 6<sup>th</sup> floor as such without authenticity confirmation of BCC the request for new connection cannot be processed.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has submitted BCC issued from the MCD with the OP and same is attached for kind perusal for the Hon'ble Forum. The BCC has been issued by the MCD Dated 17.01.2023.
4. Heard arguments of both the parties at length.
5. The main issue is whether the new connection can be released, to the complainant where the complainant has applied for new connection under domestic category in a building having height more than 15 meters.
6. From the narration of facts and material placed before us we find that complainant applied for new electricity connection which OP rejected on pretext of building height is more than 17.5 meters, the complainant is required to submit a Fire Safety Certificate from the concerned authority or a Building Completion Certificate (BCC) or an NOC in lieu thereof from the MCD. Complainant admitted the fact that the height of the building is more than 15 meters but less than 17.5 meters and he should be benefited by sixth amendment of DERC Regulations as he has applied for new connection under domestic category.

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He also submitted that he has filed BCC issued by MCD. Forum also noted that the complainant applied for new connection in the year 2024 and the BCC issued by MCD is of previous year i.e. approx more than one year old. Also, OP has sent several E-mails to MCD to verify the BCC, but no response was received from MCD.

The connections released by OP in the applied building earlier were released in the year 2022 and the BCC issued is of the year 2023 that is after the release of the new connections. As the confirmation is still pending from MCD, and if the BCC submitted by the complainant is of current year or of nearby date that then it would have been easy to consider it.

For availing the benefit of height of 17.5 meters there should be parking on the stilt floor, though the map is showing stilt parking but both the complainant and OP has kept silent on this issue. IR report filed by OP shows no stilt parking on the ground floor. Thus, the benefit of the sixth amendment cannot be given to the complainant.

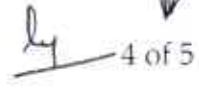
7. In view of the above, we are of considered opinion, that as per DERC Sixth Amendment, building having parking at ground floor should not have height more than 17.5 meters and in the present case the height of the building is 18 meters which is more than the prescribed limit.
8. Therefore, we are of considered opinion that the complainant cannot be given benefit of the sixth amendment as above.

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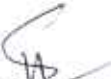
ORDER


The complaint is rejected. OP has rightly rejected the application of the complainant of the new connection. This Forum is unable to give any relief to the complainant.


The case is disposed off as above.


No order as to the cost. Both the parties should be informed accordingly.  
Proceedings closed.

  
(P.K. SINGH)  
CHAIRMAN

  
(S.R. KHAN)  
MEMBER-TECH

  
(P.K. AGRAWAL)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(H.S. SOHAL)  
MEMBER

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