



C A No. 151078190
Complaint No. 52/2024

In the matter of:

Ritu Gupta

.....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. R.S. Bisht & Ms. Lalit, On behalf of BYPL

ORDER

Date of Hearing: 27th August, 2024

Date of Order: 02nd September, 2024

Order Pronounced By:- Mr. H.S. Sohal, Member

1. This complaint has been filed by Ms. Ritu Gupta against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance is that she applied for category change low to high for CA No. 151078190 vide request no. 8006737699 at premises no. D-6, Old Plot No.-5 & 6, 3rd Floor (Back Side Main Bazar), Shakarpur, Delhi-110092, but respondent rejected the application for category change on pretext of Building height is more than 15 meters.

Dr. A. Kumar

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Secretary
CGRF (BYPL)

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2. The respondent in reply briefly stated by the way of present complaint the complainant has sought a change of category from domestic to a non-domestic electricity connection in respect of the electricity connection bearing CA No. 151078190 registered for the third floor (back side portion) of premises no. D-6, Old Plot No.-5 & 6, (Back Side Main Bazar), Shakarpur, Delhi-110092, vide request no. 8006737699. The site was visited on 11.01.2024 and the following observation were made:
- a) Building structure is Ground and four floors over it.
 - b) The units in the said building is being used as paying guest accommodation facility.
 - c) The building height is apparently more than 15 meters.

On the request of consumer OP is required to change the category after site visit, in case the request of the consumer is found to be genuine in terms of Regulation 17(5)(v) OP is required to inform the consumer in case change to such category is not permitted under any law force. Thus, in the present case, the request for category change will be in violation of DERC (Supply Code and Performance Standards) Regulations, 2017.

It is pertinent to mention that the complainant has placed on record the Architect certificate dated 01.01.2024. However, there is a certain mismatch in the building structure mentioned in the Architect certificate. The building is G+4 floors over it. However, as per the said certificate the building structure is Ground + Mezzanine + four floors over it. Further, at bottom of said certificate it is duly mentioned 'this certificate is not valid without verification'. Accordingly, OP sought verification from author of said certificate who denied issuing any such certificate in favour of the complainant. As such, no request for category change can be granted unless the complainant produces a valid Architect certificate.

for
Dhamu

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3. Counsel for the complainant did not file rejoinder. He only submitted Architect Certificate.

4. Arguments of both the parties were heard at length.

5. From the narration of facts and material placed before us we find that the complainant applied for category change from domestic to non-domestic for his premises at third floor of property bearing no. D-6, old plot no. 5 & 6, Back Side Main Bazar, Shakarpur, Delhi-110092 which was rejected by OP on the ground that in terms of Regulation 17 (5) of DERC (Supply Code and Performance Standards) Regulations 2017, the complainant has to submit valid Architect Certificate certifying that height of the building is within permissible range of 15 meters.

We also find that the Architect certificate submitted by the complainant was issued by Anshika Design Consultant and OP stated that they have sought verification from the author of said certificate who denied issuing any such certificate in favour of the complainant.

OP also stated that the complainant is running Paying Guest House in the applied portion.

6. Before disposal of present complaint, relevant clauses is narrated here
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 that 50 square meters.

for
Ashwani
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- (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.
- (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

7. In view of the above, we find that relevant clause in the present matter is Clause 3 which says hotels and guest houses having height more than 12 meters having ground plus three upper stories including mezzanine floor.

Since OP states that the complainant is running a PG in the applied portion and the counsel of the complainant has neither denied to this fact and nor filed any document to prove the contention of the OP as

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8. On the basis of aforesaid findings, it is clear that the height of the building is more than 15 meters, further load enhancement is required for paying guest accommodation. Thus load enhancement request of the complainant has been rightly rejected by OP.

ORDER

The complaint is rejected. The request of the complainant for load enhancement vide request no. 8006737699 for CA no. 151078190 at premises no. D-6, Old Plot no. 5 & 6, 3rd floor, (back side main bazaar), Shakarpur, Delhi-110092, cannot be granted unless and until Fire Safety Clearance certificate/BCC is provided by the complainant to OP.

Case is disposed off as above.

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

Proceedings closed.

(S.R. KHAN)
MEMBER-TECH

(NISHAT AHMAD ALVI)
MEMBER-CRM

(P K SINGH)
CHAIRMAN

(P.K.AGRAWAL)
MEMBER-LEGAL

(H.S. SOHAL)
MEMBER

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