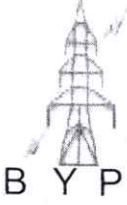


C G R F



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

Phone: 32978140 Fax: 22384886

E-mail: cgrfbypl@hotmail.com

SECRETARY'S OFFICE

C A No. Applied for Complaint No. 259/2024

In the matter of:

Samreen Rehman

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 24th October, 2024

Date of Order: 04th November, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006792452 at premises no. 57 & 58, Ground floor, Gali No. 2, Kishan Kunj Extension, Delhi-110092. It is also her case that her application for new connection was rejected on account of address in MCD list, building height more than 15 meters and BCC or Fire clearance required and dues at site.

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2. OP in its reply briefly stated that the complainant is seeking new non-domestic connection on the ground floor of property bearing no. 57 & 58, Gali No. 2, Krishan kunj Extension, Laxmi Nagar, Delhi-110092. Reply further stated that during site visit on 16.02.2024, it was found that the building structure consists of ground and five floors over it. So building height is more than 15 meters and the complainant has sought commercial/non-domestic connection.

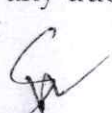


It is also submitted in reply of OP that applied premises is in MCD objection list vide letter no. EE(B)-II/Sh(s)/2017/D-1076 and appearing at sl. no. 100 (Nikita 57/58, Gali No. 2, Kishan Kunj-1, Laxmi Nagar, unauthorized construction in the shape of room, kitchen, toilet at fourth floor.

Further, there are dues at site of CA no. 100001666 and applicant's share of pro-rata is Rs. 7683/-. OP in its reply has also taken plea of Regulation 10 of DERC (Supply Code and Performance Standards) Regulations, 2017. Rule 27 of Delhi Fire Services Rules, 2010.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the building in question is constructed from ground plus four floors over it and the height of the building is less than 15 meters and in this regard he is willing to submit Architect Certificate. The complainant further submitted that she applied for new connection on the ground floor and has no concern with the person residing on the fourth floor. Rejoinder further states that already there are seven connections energized in the subject building. Rejoinder also denies that the building of the complainant is booked by MCD; it further states that it is the adjoining building which is booked by MCD. Regarding the pro-rata share of pending dues, the complainant stated that the respondent has not demanded any dues so far.

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4. Heard arguments of both the parties at length.
5. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 10 (3) for the new connection proof of ownership or occupancy is required.

Performa for new connection has been provided in DERC (Supply Code and Performance Standards) Regulations 2017 as annexure 1, seven declarations are required as per performa and in this case 5th one is important "that the building has been constructed as per prevalence building bye-laws and the fire clearance certificate, if required, is available with the applicant."

DERC (Supply Code and Performance Standards) Regulations 2017, Rule 11 (2)(iv)(c) shows that "the Licensee shall not sanction the load, if upon inspection, the Licensee finds that;


(c) the energization would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.

6. Hon'ble Delhi High court in case of Parivartan Foundation Vs. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that

3. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.

4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.

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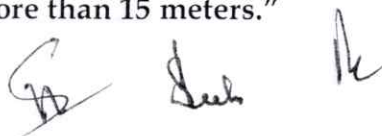
Further, DERC vide order dated 15.04.2021, issued sixth amendment, states DERC (Sixth Amendment) order, 2021 dated 15.04.2021:2.0

(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 up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.

4(1) In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the distribution licensee shall:

- (i) release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:
- (ii) in the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:

7. Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."



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8. From above discussions it is clear that complainant has applied new commercial connection for the ground floor of the building bearing address 57 & 58, Gali no. 2, Kishan Kunj Extension, Laxmi Nagar, Delhi-110092 which was rejected on the pretext of building booked under Section 343 and 344 of DMC Act vide letter no. EE(B)-II/Shah(S)/2017/D-1076 dated 03.07.2017 and the height of the building is more than 15 meters, as the complainant has applied for commercial connection on the ground floor of the subject premises and building is constructed from ground floor till fifth floor and the connection being of commercial nature, therefore the complainant cannot be benefited with the sixth amendment of DERC Regulations.

During the course of arguments, the complainant also argued that it is the adjoining building which is booked by MCD, in this regard, it is also clarified before the forum that building no. 57 & 58 are joined buildings having same entrance and also all the earlier installed electricity meters also have the same address 57 & 58, which also proves that both the building are joint buildings, therefore, this argument of complainant does not substantiate here.

9. In view of the above, we are of considered opinion that both the objections raised by OP are to be complied by the complainant for grant of new electricity connection. Regarding the height of the building the complainant has to submit fire safety clearance certificate and for MCD booking the complainant has to submit NOC or building completion certificate from MCD. Regarding the pending dues of CA no. 100001666, the complainant has to make pro-rata share of Rs. 7683/- only.



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10. Therefore, we are of the opinion that the premises have been constructed in violation of Rules and Regulations as per law. Therefore, OP cannot be compelled to release the connection.

ORDER

Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.

The parties are hereby informed that the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.

on leave
(H.S. SOHAL)
MEMBER

Shah
(NISHAT A ALVI)
MEMBER (CRM)

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

4/11/24
(P.K. SINGH)
CHAIRMAN

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Shah
Secretary
CGRF (BYPL)