

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

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SECRETARY

C A No. Applied for
Complaint No. 184/2024

In the matter of:

Sanjay Khurana

.....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. Vinod Kumar, Counsel of the complainant
2. Mr. Ritu Gupta, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Lalit, on behalf of respondent

ORDER

Date of Hearing: 20th August, 2024

Date of Order: 29th August, 2024

Order Pronounced By:- Mr. Nishat Ahmad Alvi (CRM)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. 229/16-D, Ground Floor, Shop No.-2, Railway Colony, Mandawali, Fazalpur, Delhi-110092, vide requests no. 8006763010. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Building height is more than 15 meters and BCC/Fire

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Clearance Certificate required.

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2. The respondent in reply briefly stated that the present complainant has been filed by complainant seeking for one new connection at shop on the ground floor of the property bearing no. 229/16-D, Gali No.-2, Railway Colony, Mandawali, Fazalpur, Delhi-110092, vide request no. 8006763010. The application of the new connection was rejected on account of building height more than 15 meters.

Upon inspection of the subject premises, it was found that the subject building is constructed from the ground up to five floors over it. At the subject property, four electricity connections were found installed for domestic purposes which are mentioned below:

S.No.	CA No.	R/C	FLOOR
1	154356737	Sani Diyal	229/16-D, UG/F
2	154354657	Parveen Goyal	229/16-D, F/F
3	154356735	Parveen Goyal	229/16-D, S/F
4	154360506	Parveen Goyal	229/16-D, T/F

Since commercial connection is asked for, the height of total building will be taken into consideration and not the height of the applied floor only. Inspection shows that building has effective six floors as such its height is more than 15 meters for which Fire Safety clearance certificate or BCC/NOC is required to provide the connection. Hence the request for applied connection was rejected for want of fire safety clearance certificate/BCC.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that he has applied the connection for a shop which is at ground floor only, height whereof is below 15 meters. The building is mixed use building.

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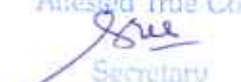
The property has been constructed from ground up to fourth floors with mamty on top floor and the said mamty is exempted as per DERC Rules Regulations. Complainant stated that he is ready to submit Architect Certificate to the respondent Company.

4. Heard arguments of both the parties and perused the record.
5. As per pleadings the main dispute between the parties is with respect to height. In this respect if we go through Architect Certificate, placed on record by the complainant himself, the subject building has Ground+five floors over it. Height of fourth floor is less than 15 meters. Thus obviously fifth floor shall be of more than 15 meters height. Now we have to consider as to whether height of the applied floor or of the entire building is required to be taken into account for grant of a connection which is admittedly an NX one.
6. Complainant take the plea of sixth amendment order 2021, In this regard relevant provision is given in the Schedule of Charges and Procedure (Sixth Amendment) Order, 2021 (date of order 15.04.2021) Clause 2(3) and clause 2(4)(1) as under:
Clause 2(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 upto 17.5 meters with stilt parking.

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Further, clause 2(4) (1) provides:- 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 and 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 metres 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:

Going through this amendment we observe that it deals only residential building/dwelling units and not the commercial units. The amendment provides liberty to take into account the height of the applied floor and not of the entire building in case of dwelling units only.

It nowhere provides this concession to commercial units; to release connection. In the commercial units height of entire building, irrespective of the height of applied floor, is required to be taken into account.

Here admittedly the complainant is seeking commercial connection. After which complainant's ground, for taking benefit of sixth amendment aforesaid, no more remains available to him. Thus in the present case height of the entire building is relevant for grant of applied connection which admittedly is above 15 meters. In which case as per provisions of CEA (Measures relating to safety and electricity supply) Regulations 2010, Fire Safety Clearance certificate is must.

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7. As per aforesaid findings we don't find any unjust rejection of complainant's request, for new connection in the shop at ground floor of his premises, for want of BCC/fire Clearance Certificate.


ORDER

The complaint is dismissed. Complainant is not entitled for the connection applied for unless required BCC/fire clearance certificate is submitted to the OP.


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 AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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