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## 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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SECT 10(1) OF THE

### C A No. Applied For Complaint No. 130/2024

In the matter of:

Shaista

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

### Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R Khan, Member (Tech.)
5. Mr. H.S. Sohal, Member

### Appearance:

1. Mr. Viond Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent.

### ORDER

Date of Hearing: 09<sup>th</sup> July, 2024

Date of Order: 18<sup>th</sup> July, 2024

### Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The complaint has been filed by Ms. Shaista against BYPL-PHG. The brief facts of the case giving rise to this grievance are that Ms. Shaista applied for new connection vide request no. 8006745158 at premises no. 5656 to 5658, 4<sup>th</sup> Floor, Plot No-20, North Ward No-XIV Pt. Munna Lal Sharma Marg, Basti Harphool Singh, Sadar, Thana Road, Delhi -110006, but respondent rejected the application of the complainant.





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for new connection on the pretext of requirement of "Fire Clearance certificate required", but complainant stated that many connections have been installed near her premises. Therefore she requested the forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the complainant is seeking new electricity connection for the fourth floor or property bearing no. 5656 to 5658, Plot No-20, North Ward No-XIV Pt. Munna Lal Sharma Marg, Basti Harphool Singh, Sadar, Thana Road, Delhi -110006. Complainant had applied for new connection vide request no 8006745158 and the same was rejected for want of a fire safety clearance certificate and outstanding dues pertaining to two electricity connections having CA Nos. 100383192 and 100383272 amounting to Rs. 18105/- and Rs. 11265 respectively.

On inspection of the applied premises, it was found that the building structure consists of the ground floor + Mezzanine floor + four floors above it. Therefore, the applied floor becomes effective sixth floor if the ground floor taken as the first floor. Each floor above the ground floor has two dwelling units. On the ground floor, various shops exist. It was further observed that the properties numbered from 5654 to 5659 are joint properties. Now as the complainant wants to seek a new connection on the effective sixth floor, as such the application of the complainant was rejected for want of a fire safety clearance certificate for the building height being more than 15 mtrs. The complainant is required to furnish the fire safety clearance certificate or a building completion certificate (BCC) or NOC in lieu thereof from the concerned department.

3. In response to the reply the complainant filed rejoinder. The complainant has applied for domestic connection and complainant is ready to submit the architect certificate as required by the respondent.

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It is further submitted that the property is constructed ground plus four floors and there is only a temporary room upon the top floor. Rejoinder further submitted that the dues as alleged by the respondent does not pertain to the complainant in any manner whatsoever because there are multiple premises of same number. It is respectfully submitted that the height of the said property is under the building bye- laws and the complainant is ready to submit the architect certificate as required by the respondent company. It is further submitted that the official of the respondent released two non-domestic connection of the same building vide CA no. 154205002 installed on 04.08.2023 and CA no. 154165747 installed on 15.06.2023.

4. Counsel of the complainant alongwith rejoinder submitted Architect Certificate. OP sought time for verification of the same.
5. OP in its mail dated 22.05.2024 submitted that Building structure is G + 5 (GF has shops and mezzanine to fourth floor two units each). CA No. 154205002 energized on 04.08.2023 and CA no. 154165747 energized on 15.06.2023. Both the connections were processed on BCC after applicant submits BCC (Building structure was GF + 5 (GF has shops, Mezzanine to third floor 2 units each and at 4<sup>th</sup> floor only one unit). The applied portion is newly constructed and was not present in MAP submitted along with BCC at the time of earlier released connection.
6. OP in its another mail dated 31.05.2024, submitted that as per their telephonic conversation with Architect (Yash Arora) on 31.05.2024 at 3.54 PM this Architect certificate is not correct as ~~correct~~ is required with respect to building structure and height measured.
7. Heard both the parties and perused the record.





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8. From the perusal of record, it is transpired that the earlier connections in the same building were released by OP on the basis of the BCC submitted by the complainant. Also, the applied portion is not mentioned in the MAP submitted by the complainant along with the BCC. Thus, it is cleared that this applied portion is later constructed by the complainant. The Architect Certificate submitted by the complainant, was also verified by the Architect Yash Arora, and the Architect Yash Arora telephonically stated to OP that the said certificate is not correct as correction is required with respect to building structure and height measured.
9. In view of the above, we are of considered opinion that the applied floor was not part of the Sanctioned Building Plan against which the MCD has issued the BCC. The Architect Certificate is also not verified by the Architect who issued the same. Therefore, the new connection application of the complainant cannot be granted. OP has rightly rejected the application of the complainant.

ORDER

The complaint is rejected. In view of the above, OP has rightly rejected the new connection application of the complainant.

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