



C A No. Applied for
Complaint No. 297/2025

In the matter of:

Shikha Jain & Sudesh

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Mr. R.S. Bisht, Mr. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 30th October, 2025




Date of Order: 04th November, 2025

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

1. The brief facts of the grievance are that the complainant applied for new electricity connection vide request no. 8007724787 at premises no. 580-581, shop no. 842-843, Old Chah Shirin, Farsh Khana, Near Sharadhanand, Delhi-110006 and the application of the complainant for new connection was rejected on the grounds of "Mismatch between applied address and existing meter bill address.

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To the objection of OP, the complainant submitted that one connection having CA No. 100231295 was installed at his premise which was disconnected in the year 204 on account of non-payment of dues. It is also submitted that at the right side of the applied premises many more connections are installed. Therefore, the complainants requested for release of new electricity connection in her name.

2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking new electricity connection at premises no. 580-581, New Ground floor, Shop no. 842-843, Old Shirin Garash Khana, Near Shardanand, Delhi vide request no. 8007724787. Reply further stated that the application of the complainant for new connection was rejected on following grounds:

- A) Pending enforcement dues against CA no. 401281472 amounting to Rs. 24,507.08/- with due date 09.11.2020 besides LPSC of Rs. 20,406/- net due Rs. 44,913/- raised on the basis of inspection dated 21.1.2020.
- B) Fire safety clearance certificate required for building height more than 15 meters. Building structure is ground floor, first floor, second floor, third floor, fourth floor and fifth floor.
- C) MCD's NOC or completion and occupancy certificate is required as building is booked under unauthorised construction as per MCD objection list bearing no. D/EE(B)/CSPZ/2018337 dated 15.03.2018 at sl. No. 21 and the booking details are unauthorised construction at GF in the shape of three shops.
- D) Applied address mismatch between applied address and existing meter bill address.

3. The counsel for the complainant in its rejoinder submitted that OP's objections for not releasing the new electricity connections are false and baseless.

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The complainant also submitted that there is no address mismatch between the existing connections and applied address. There are many connections installed at the right side of the applied premises. Rejoinder further stated that the complainant purchased the property in question through sale deed dated 29.02.2024 in their names and the complainant is ready to submit any kind of affidavit/undertaking/architect certificate, for release of the new electricity connection.

4. Both the parties were directed to conduct joint site visit.
5. Arguments of both the parties are heard.
6. From the narration of facts and material placed before us we find that the application of the complainant for new electricity connection was rejected by OP on the grounds of MCD booking, building height more than 15 meters, enforcement dues and address mismatch. The complainant has applied for new electricity connection at premises no. 580-581, New Ground floor, Shop no. 842-843, Old Shirin Garash Khana, Near Shardanand, Delhi vide request no. 8007724787, and the MCD booking list shows address 580-581, S.N. Marg, Lohri Gate, Delhi in the shape of unauthorised construction of three shops at ground floor. The complainant has applied for new electricity connection at a shop at the ground floor and the MCD booking is also for shops at ground floor.
OP also submitted details of the pending enforcement bills which also pertain to the applied premises.
The building structure shown in the site map is ground plus five floors over it. The complainant has applied for commercial connection at the ground floor and the building height is more than 15 meters therefore the complainant must have to submit fire safety clearance certificate for release of new electricity connection.

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Regarding address mismatch, from the perusal of the already installed connections in the subject premises in the year 2018 shows address as 580-581, GF. Old no. 842-843, Chhatta chah Shirin, Shardanand Market, Near Lahori Gate, Delhi-110006

We find that the height of the building is an issue which is covered under building bye-laws under the jurisdiction of MCD which controls the building activities under DMC Act 1957. MCD collects the NOC or clearance from all outside agencies before it sanctions the building plan.

DERC had clarified the issue regarding height of the building by its circular letter no. F.17 (85)/Engg./DERC/2016-17/5409/487 dated 31.05.2019. In para 2 of this letter DERC had noted submission of Discom's that "DISCOMs have stated that they insist upon fire clearance certificate from the applicant for release of electricity connection based on the application format prescribed by DERC which inter alia states that in case the total height of the building is more than 15 meters, fire clearance certificate has to be obtained by the applicant and is available."

Besides the above, the OP has submitted that new electricity connection for NX purpose cannot be issued to a building having ground + 5 floors in view of Rule 27 of Delhi Fire Services Rules 2010, which stipulates as follow:-

27. 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.


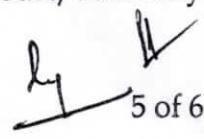
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- (2) Residential buildings (other than hotels and guest houses) having height more than 15 meters or having ground plus four upper stories including mezzanine floor.
- (3) Hotels and guest houses having height more than 12 meters having ground plus 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. Regarding the pending enforcement dues, which OP stated have already been settled in Permanent Lok Adalat, and also this Forum has no jurisdiction to entertain the dues pertaining to theft of electricity, therefore, the complainant should approach the appropriate court/authority regarding pending energy dues.

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8. Since the building of the complainant is business building as per submissions of OP and the building height is more than the prescribed limit as above stated DFS Rule 27, the building is likely to cause a risk of fire. Therefore, the complainant has to clear all the objections of OP for release of the new electricity connection in their name.

ORDER

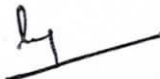
The complaint is rejected. OP has rightly rejected the application of the new connections of the complainant.


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

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

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

(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K.SINGH)
CHAIRMAN

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