



C A No. Applied for
Complaint No. 425/2025

In the matter of:

Shyam Lal

.....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)

Appearance:

1. Mr. Nishikant Ray, Counsel for the complainant
2. Mr. Harshit Bhasin, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

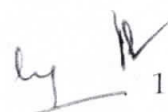
ORDER

Date of Hearing: 27th January, 2026

Date of Order: 29th January, 2026

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. 8007784922 at premises no. Shop No-5522-A, Second Floor, Gandhi Market, Delhi-110006. It is also his case that OP rejected his application for new connection on the grounds of "Safety Clearance Required, Architect Certificate required for verification of height of building, same address MCD exist".

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The complainant also stated that the above mentioned building is very old and all shops have already been installed electricity connections. Further he stated that the said building has height below 15 mts.

2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking new Non-Domestic electricity connection at premises no. Shop No-5522-A, Second Floor, Gandhi Market, Sadar Bazar, Delhi-110006 vide request no. 8007784922.

It is submitted that the applied premises is a part of a conjoint building comprising premise no.5562 to 5572 and 5522 to 5535. It is further submitted that the premises comprises of G+5 floos and the total height of the building is 20.5 approximately. That the 5th floor comprises of tin shed and even if that is excluded, the height of the building is 17.5 meters approximately. Therefore, fire clearance certificate is required. It is also stated that the complainant has not paid the pending energy dues for Rs. 3880 and Rs.1100 against CA No. 100451921 and 151819700 respectively and also enforcement dues therefore the complainant has to pay the pending dues.

3. The complainant in its rejoinder denied the contents of the reply of the respondent. It is stated that there are many buildings as same number 5522-A, all the buildings are adjacent and other building is booked in unauthorized construction by MCD and the applied building is not booked by MCD till date. And the applicant building is separate and not connected to other buildings. It is further submitted that Delhi Govt. has notified for release of new electricity connection of unauthorized booked buildings. It is also submitted that the applicant's shop has no electricity connection and there are no outstanding dues pending of the electricity on the applicant's shop.

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4. Based upon the joint site visit, building structure is ground plus five floors over it and 5th floor is having tin shed. Height of the building is 20.5 meters approximately with tin shed and without tin shed height of the building is 17.5 meters. Applicant building is joint building and katra type. Some meters exist at height and some meters exist in the shops.
5. Arguments of both the parties were heard.
6. Before disposal of the complaint, the relevant regulations be reviewed:

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:

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7. From the joint site visit report and pleadings of both parties, it is an admitted position that:

- The applied premises forms part of a **joint / katra-type building**.
- The building structure is **Ground + Five Floors**, with the **5th floor** having a **tin shed**.
- The **total height of the building is approximately 20.5 meters**, and **17.5 meters** even after excluding the tin shed.

The complainant has sought a **new non-domestic electricity connection** for a shop located on the **second floor** of the said building.

The complainant has contended that since the building is old, below 15 meters, and other shops already have electricity connections, the respondent should not insist upon fire clearance and architect certificate. However, this contention is not borne out from the **joint site visit**, which clearly establishes that the height of the building exceeds **17.5 meters**.

Further, the regulations relied upon by the complainant, the **DERC (Sixth Amendment) Order, 2021 dated 15.04.2021**, specifically deal with **residential buildings and dwelling units**. The present application is admittedly for a **non-domestic connection**, and therefore the relaxations provided therein cannot be applied mechanically to the present case.

Even otherwise, as per Regulation 4(1), in cases where the total height of the building exceeds the prescribed limits, electricity connection can be released **only to those units which are within the permissible height**, and **subject to safety norms**. The building in question being a conjoint structure exceeding the permissible height, the respondent is justified in seeking **fire safety clearance and structural safety verification**.

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As regards the contention of the complainant that there are no outstanding dues, the respondent has placed on record pending energy dues against connected CA numbers. Clearance of legitimate dues is a statutory pre-condition for release of a new connection.

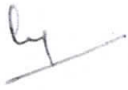
8. In view of the above facts, regulations, and findings, it is held that the applied premises form part of a building whose height exceeds the prescribed limits. The respondent is justified in insisting upon **fire clearance / safety-related documents** before release of a new electricity connection. The complainant is also required to **clear outstanding dues**, if any, as claimed by the respondent, in accordance with law.


ORDER

The complaint is **disposed of** with the directions that the complainant shall submit the requisite **fire safety clearance / safety-related documents**, as applicable under law. The complainant shall clear any **legally recoverable pending electricity dues**, if found payable after verification. Upon compliance of the above, the respondent shall process the application for new electricity connection strictly in accordance with applicable rules and regulations.

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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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