



C A No. Applied for
Complaint No. 213/2024

In the matter of:

SubhashComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Ms. Ritu Gupta & Mr. Akshat Aggarwal On behalf of BYPL

ORDER

Date of Hearing: 2nd July, 2024

Date of Order: 10th July, 2024

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 1-259-B, Shop No. 1, Ground Floor, Laxmanpuri, Nabi Karim, Paharganj, Delhi-110055, vide requests no. 8006817709. The application of the complainant was rejected by OP on the pretext of Fire Safety Clearance required for building height more than 15 meters, having Ground plus four floors including mezzanine floor (Business Buildings).

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Secretary
CGRF (BYPL)

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2. The respondent in their reply briefly stated that the complainant is seeking a new electricity connection for non-domestic purposes (NX) for a shop bearing private no. 1, on the ground floor claimed to be situated at I-259-B, Laxmanpuri, Nabi Karim, Paharganj, Delhi. The complainant applied for a new electricity connection vide application no. 8006817709 and upon site verification it was found that the building structure consists of the ground floor and five floors over it. It was also found that the subject building is a mixed use building i.e. the building is used for both domestic and non-domestic purposes. Thus, as the building structure of the subject building has more than effective five floors, hence building height is more than 15 meters as usually the height of each floor is taken as 3 meters. Thus, as a pre-condition for releasing a new NX electricity connection in the premises having the issue of building height being more than 15 meters, the complainant is required to submit a Fire Safety Certificate from the concerned authority or a Building Completion Certificate (BCC) or an NOC in lieu thereof from the MCD.

Besides the building height, the application of the complainant was also rejected due to MCD objection. The subject property is booked by the MCD for carrying out the commercial activity and running unauthorized in a non-conforming area without having a valid Municipal Factory License. A list bearing no. AC/C-SPZ/2019/D-1859 dated 27.12.2019 was sent to the respondent by the NDMC which was received on 30.12.2019. By the way of the of the said letter, the Office of the Assistant Commissioner, City- Sadar Paharganj Zone had asked the BSES-YPL to disconnect the electricity connections if existing in the properties as mentioned in the list attached with the said letter. At serial no. 21, the ground floor of the subject property is found booked by the MCD for using the subject premises and carrying out the work involving the running of embroidery machines. At the time of inspection, one electricity connection bearing CA No. 150952021 was found that at the site and thereafter, a show cause notice dated 22.08.2019 was also sent.

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[Handwritten signatures]

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3. Counsel for the complainant rebutted the contentions of the respondent as averred in their reply and submitted that the complainant's building has not been booked by the MCD, OP has filed MCD Letter dated 27.12.2019 but the complainant building is not mentioned in the above said letter. It is further submitted that respondent in his reply has admitted that already four connection installed in the above said building, two connections at ground and two connections on first floor. Complainant submitted that building has height below 15 meters as so not requirement of the fire safety certificate or BCC or NOC from this MCD.
4. OP has placed on record IR and MCD letter.
5. Heard arguments of both the parties at length and perused the record.
6. As per pleadings applied connection is of commercial category, rejection is on two grounds. Firstly, height of the building is more than 15 meters, therefore unless fire clearance certificate is issued, connection can't be given. In this regard admittedly building consists of Ground + mezzanine + 1st + 2nd + 3rd floor and 4th floor i.e. effectively Ground + five floors. In that condition the height of the building will be more than 15 meters. Now since applied connection is of NX category it does not matter as to the building is commercial or not or the applied floor is Ground or top floor, the height required to be considered is of entire building which is more than 15 meters. Thus this objection cannot be said to be unjustified. Regarding MCD booking, going through the list, the only difference is that word B is not inserted in the L-259. However, locality is same. Thus, there can't be any gainsay that MCD has not asked to take action against those premises.

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However, by this order MCD has only required to disconnect the supply that too on the condition that the units therein are running unauthorizedly in non-confirming area without having valid Municipal Factory license, in gross violation of DMC Act 1957. This letter further requires to ensure that this action is not taken against holders of Valid Municipal License or against those who are here^{by} Court stay order in their favour. In this respect complainant does not state that he is having valid Municipal License/Trade License.

In the facts and circumstances complainant is not entitled for the connection applied for on the ground floor shop and OP has rightly rejected the request for new connection.

ORDER


The complaint is dismissed. The complainant is not entitled for new electricity connection as applied for unless and until a fire safety clearance certificate with valid Municipal License is provided by the complainant to the OP.

Complaint is disposed off as above.

No order as to cost. File be consigned to record room.


(S.R. KHAN) 10/11/24
MEMBER-TECH


(P. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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CGRF (BYPL)


(H.S. SOHAL)
MEMBER