

C A No. Applied for  
Complaint No. 508/2024

In the matter of:

Tasleem Ahmed

.....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. Imran Ul Haq Siddiqi, Counsel for the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 30<sup>th</sup> January, 2025

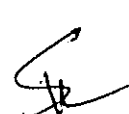
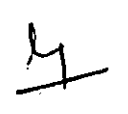

Date of Order: 03<sup>rd</sup> February, 2025

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. 72/2, 4<sup>th</sup> Floor, Krishankunj Extension, Part-1, Laxmi Nagar, Delhi-110092, vide requests no. 8007139770. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Address in MCD List and existing meter-35835424, Dues at site and building height is more than 15 meters, but complainant stated that the booked property is not his property and he is also ready to submit architect certificate if required.

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CGRF (BYPL)

Complaint No. 508/2024

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new connection at the premises no. 72/2, 4<sup>th</sup> Floor, Krishankunj Extension, Part-1, Laxmi Nagar, Delhi-110092, vide request no. 8007139770. The application of the new connection was rejected on account of
- Firstly; Mismatch between the applied address and existing address of meter vide No. 35835424.
- Second; Building structure is Ground+ Fifth Floor over it. Height of the premises is more than 15 meters which mandates giving a valid and legal Architect Certificate.
- Hence, Violation of the provisions of Electricity Act & Regulations framed in respect of DERC (Supply Code & Performance Standards) Regulations, 2017.
3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that there are four connections installed in his building, whose correct billing address is. 72/2, Krishankunj Extension, Part-1, Laxmi Nagar, Delhi-110092. Complainant stated that the height of applied fourth floor is less than 15 meters and for this, architect certificate is filed along with rejoinder.
4. Heard arguments of both the parties were at length.
5. From the narration of facts and material placed before us we find that OP raised two fold objections for rejecting the application of the complainant firstly; Mismatch between the applied address and existing address. Second; Building structure is Ground+ Fifth Floor over it, height of the premises is more than 15 meters.

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Complaint No. 508/2024

6. Regarding the first objection of OP, the complainant was directed to clarify, under what capacity he has applied for new connection. Complainant filed NOC in which the landlady Ms. Nasreen Jahan has given NOC in favor of her husband Mr. Tasleem Ahmed. Regarding second objection of OP, the height of building is more than 15 meters, as per the above regulation, in this regard it is observed that the complainant applied for domestic connection at fourth floor and fourth floor is well within 15 meters height. Although the complainant has placed on record Architect Certificate submitting the height of the building, fourth floor is less than 15 meters.

7. As far as legal position is concerned according to DERC (Sixth Amendment) order, 2021 dated 15.04.2021:2.0 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 of total height of such building is more than 15 meters without stilt parking and more than 17.5 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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8. In view of the above findings, we are of considered opinion that the objections raised by OP are not sustainable; therefore, OP is directed released the new electricity connection as applied for by the complainant.

ORDER

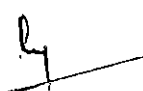
The complaint is allowed. Respondent is directed to release the new connection applied by complainant vide application no. 8007139770 at premises no. 72/2, 4<sup>th</sup> Floor, Krishankunj Extension, Part-1, Laxmi Nagar, Delhi-110092 after completion of all the commercial formalities as per DERC Regulations 2017.


This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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.

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

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Secretary  
CGRF (BYPL)