

C A No. Applied for
Complaint No. 425/2024

In the matter of:

Tilak Raj

.....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. Nishikant Ray, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Mr. Lalit & Ms. Chhavi Rani,
On behalf of BYPL

ORDER

Date of Hearing: 05th December, 2024

Date of Order: 09th December, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. J-4A fourth floor, Laxmi Nagar, Delhi-110092, vide request no. 8006973537. The application of the complainant was rejected by OP on the pretext of dues at site; building height is more than 15 meters and BCC or fire clearance required.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for one new domestic connection on the fourth floor at the premises No. J-4A, KhasraNo. 62/9, Laxmi Nagar, Delhi, vide request no. 8006973537. The application of the new connection was rejected on the following grounds

Firstly; building height of the premises is more than 15 meters and connection is sought at 4th floor which is effective 5th floor. Hence, BCC or NOC from fire department is required.

Secondly, same site energy dues exist at site against CA no. 100904974 and the complainant's share of pro-rata dues is of Rs. 1385/- which also needs to be paid prior to release of new connection.

Respondent submits since a new Connection is being sought by the complainant which mandates strict compliance of each and every Regulation as contained in DERC (Supply Code & Performance Standards) Regulations, 2017.

3. Counsel for the complainant rebutted the contentions of the respondent as averred in their reply and submitted that the building in question is old and constructed up to ground floor (stilt parking) + upper ground floor + 4 floors over it. He also submitted that all the flats in the building have electricity connections but only complainant's flat has no electricity. Total plot area is of 200 sq. yards and at the ground floor its stilt parking, and one guard room. Rejoinder further states that the height of building is less than 17.5 meters which is according to sixth amendment of DERC Regulations. The complainant in its rejoinder agreed to pay the pro-rata dues.

4. Heard arguments of both the parties at length.

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5. The complainant has applied the new Domestic connection on 4th floor of multi storey building which was rejected by OP mainly on pretext of building height is more than 15 meters which requires BCC and fire clearance certificate. Regarding multi storey building provisions of the law is necessary to dismiss here.
6. DERC (Supply Code and Performance Standards) Regulations 2017, Rule 5(1) Safety of electrical installations says that “:- (1) The Licensee and the consumer shall, in every respect, comply with the provisions of the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, as amended from time to time. Further Rule 7(2) of the above Regulations says “All multi-storeyed buildings, having a height of more than 15 meters from ground level, shall also comply with Clause 36 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendments thereof. Rule 11 provides for the provisions of the new electricity connection Rule (11)(2)(iv) says that (iv) The Licensee shall not sanction the load, if upon inspection, the Licensee finds that;
- a. the information as furnished in the application is at variance to the actual position, or
 - b. the installation is defective or
 - c. the energisation would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.

New connection application form issued by DERC, point no. 5 of the undertaking states, “That the building has been constructed as per prevalent building Bye-laws and the total height of the building

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- (i) Does not exceed 15 (fifteen) meters on the date of seeking service connection: or
- (ii) Is more than 15 (fifteen) meters and fire clearance certificate is available with the applicant.

7. Now the legal position is clear, if the height of the building is more than 15 meters without stilt parking and with stilt parking it is above 17.5 meters, the applicant is required to file fire clearance certificate from the fire department, without which new connection cannot be granted. The only exception which has been provided by DERC is in 6th Amendment.

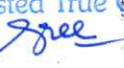
DERC vide order dated 15.04.2021, issued sixth amendment, states DERC (Sixth Amendment) order, 2021 dated 15.04.2021:2.0




(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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8. Since this connection is domestic connection, as per the sixth amendment dated 15.04.2021, as above mentioned, if the floor of the complainant is within 15 metres, he is entitled for new domestic connection. The complainant has filed the Architect Certificate during the arguments which says that the building comprises of stilt parking, upper ground floor, first floor, second floor, third floor and fifth floor, whereas OP has submitted site visit report which is also on record and shows that there is no stilt parking. The complainant has also not submitted sanctioned building plan or BCC which can prove complainant's contentions of stilt parking.
9. Therefore, the information furnished with application is at variance with actual position. Therefore, as per Rule 11(2)(iv) of DERC Supply Code 2017, the licensee shall not sanction the load on the 4th floor which is actually 5th floor and above 15 meters height.

ORDER

Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.

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

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

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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