

C A No. 101047878
Complaint No. 254/2025

In the matter of:

Trilok Singh Rawat

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Agrawal, Member (Legal)
2. Mr. S.R. Khan, Member (Technical)

Appearance:

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

ORDER

Date of Hearing: 05th February, 2026

Date of Order: 09th February, 2026

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

1. The brief facts of the grievance are that the complainant applied for category change from DX to NX against CA no. 101047878 vide request no. 8007694840 installed at premises no. C-23, Shashi Garden, Patparganj, Delhi-11009, which was rejected by OP on the grounds of play school running at ground floor, fire safety clearance required. Building structure is basement + ground + four floors over it. Mobile tower also exist at site.

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2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking category change of domestic connection having CA no. 101047878 to commercial electricity connection which is installed at ground floor of the applied building bearing address C-23, Shashi Garden, Patparganj, Delhi-110091. The application of the complainant for category change was rejected on the grounds that the building in question comprises of basement plus ground floor plus four floors and mobile tower also exists. Basement and ground floors having play school and two shops. First, second and third floor are having two domestic units at each floor. Complainant applied for change of category from domestic to commercial at ground floor therefore, fire safety clearance is required for building height more than 9 meters and institutional building.
3. The complainant in its rejoinder denied the contents of the reply of the respondent. Rejoinder further submitted that the property in question was purchased through GPA by the complainant on 17.06.199 and the connection in the name of the complainant was installed on 19.04.2006. Already nine meters exists at site all connections under domestic category sanctioned from time to time. The connection having CA no. 101047878 with no floor mentioned is pending before the Forum for category change. All other connections are of domestic nature.
4. Based upon the joint site visit, building structure is basement plus ground plus four floors over it. There is a play school running in the basement and at ground floor interior work/office is running. First floor, second floor, third floor and fourth floor have two units at each. On the top of the building mobile tower also exist.
5. Arguments of both the parties were heard.

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6. Before disposal of the complaint, the relevant regulations be reviewed:

Delhi fire service Rules, 2010, under Delhi Fire Service Act 2007 (delhi Act 2 of 2009) Regulation 27

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.

(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

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7. The admitted position emerging from the pleadings, rejoinder, and joint site inspection is that the building bearing no. C-23, Shashi Garden, Patparganj, Delhi comprises **basement, ground floor and four upper floors**, with a **mobile tower installed on the roof**.

It is further not in dispute that:

- A **play school is running in the basement**;
- **Commercial/office activity** is being carried out at the ground floor where the complainant seeks category change from **Domestic (DX) to Non-Domestic (NX)**;
- The upper floors consist of multiple residential units; and
- The complainant seeks category change only for the **ground floor connection** bearing CA No. 101047878.

Before deciding the legality of rejection, it is necessary to examine the applicability of **Regulation 27 of the Delhi Fire Service Rules, 2010**, which specifies classes of occupancies likely to cause a risk of fire and therefore mandatorily require fire safety clearance under Section 25 of the Delhi Fire Service Act, 2007.

From the facts on record, the following provisions of Regulation 27 squarely apply:

1. **Regulation 27(4)** — *Educational Buildings*
- Educational buildings having **height more than 9 meters or ground plus two upper stories** are classified as occupancies likely to cause fire risk. The presence of a **play school**, which falls within the definition of an educational occupancy, coupled with the building configuration of **basement + ground + four floors**, brings the building within this clause.

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2. **Regulation** 27(5) — *Institutional* *Buildings*
Institutional buildings exceeding **9 meters in height or ground plus two upper stories** also require fire safety clearance. A play school, catering to children, falls within institutional use for the purposes of fire safety regulations.
3. **Regulation** 27(2) — *Residential* *Buildings*
Residential buildings (other than hotels/guest houses) having **ground plus four upper stories** are categorized as fire-risk occupancies. The subject building admittedly consists of ground plus four upper floors.

The complainant's contention that all other connections in the building are domestic and that nine meters already exists at the site does not dilute the statutory mandate. **Fire safety clearance is building-centric, not connection-centric**, and is triggered by **overall height, use, and occupancy**, not merely by the category of an individual electricity connection.

Once the complainant seeks conversion of the ground floor connection to **commercial category**, the building assumes a **mixed-use character**, involving **educational, commercial, and residential occupancies** within a single structure exceeding the prescribed height limits under Regulation 27.

In such circumstances, the distribution licensee cannot process category change in isolation without ensuring compliance with statutory fire safety requirements. Grant of a commercial electricity connection in a building which, by virtue of its height and use, falls under Regulation 27 without fire clearance would amount to violation of mandatory safety norms.

In view of the facts and circumstances discussed above, and after due consideration of Regulation 27 of the Delhi Fire Service Rules, 2010, the complaint is **dismissed**.

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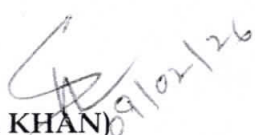
However, in the interest of justice, the following directions are issued:

1. The complainant is at liberty to **apply afresh for category change** of electricity connection after obtaining **valid fire safety clearance** from the competent authority, i.e., Delhi Fire Service, as per applicable law.
2. Upon submission of the requisite fire safety clearance and completion of other formalities, the respondent shall **process the application expeditiously**, in accordance with law and prevailing regulations.

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.


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


(P.K. AGRAWAL)
MEMBER (LEGAL)

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