



CA No. Applied For
Complaint No. 113/2024

In the matter of:

Kapil Kumar SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 04th June, 2024

Date of Order: 05th July, 2024

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

1. This complaint has been filed by Mr. Kapil Kumar Sharma against BYPL-Nand Nagri. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006753729 - 4041 - 4031 -3979 at premises no. KB-107, 3rd Floor, Main 100 foot road, Kabir Nagar, Shahdara, Delhi-110032, but respondent rejected the applications of the complainant for new connection on the pretext of height of building more than 15 meters BCC or Architect Certificate required.

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2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connections for various floors of property bearing no. KB-107, main 100 ft road, Kabir Nagar, Shahdara, Delhi-110032. Details of the connections applied by the complainant are as under:-

<u>S.no.</u>	<u>Application No.</u>	<u>Name of applicant</u>	<u>Applied floor</u>	<u>Current status</u>
1.	8006754002		UGF	Rejected due to height of commercial building and no upper ground floor was found existing as on the ground floor there is no parking.
2.	8006753729	Amit Sharma	UGF	Rejected due to duplicate of order no 8006754002
3.	8006753979		TF	Rejected due to building height, for want of BCC/fire certificate
4.	8006754031	Amit Sharma	SF	Reason same as above at point 2 plus on site visit wiring was not complete and auto canceled after 30 days.
5.	8006754041	Kapil Kumar Sharma	FF	Reasons same as above at point 2 plus site locked and auto canceled after 30 days.

Reply further added that the building consists of ground plus five floors. The ground, first and second floors of the building is vacant halls. Third and fourth floor are used for GYM purpose whereas on fifth floor there are two rooms. The entire building is commercial with no dwelling unit found.

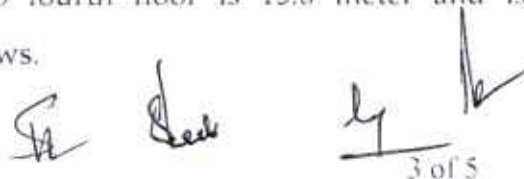
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As the building has effective six floors its height is more than 15 meters and as building is commercial in nature as such fire certificate or building completion certificate (BCC) or NOC from MCD is required.

It is also mentioned that at site two meters were found installed i.e meter bearing no. 35586308 domestic and meter no. 358865545 commercial both installed in year 1996. Apparently the same were not surrendered at the time of new construction and required to be disconnected.

3. Rejoinder stated that the complainant applied four new commercial connections at premises no. KB-107, main 100 ft road, Kabir Nagar, Shahdara, Delhi-110032 at ground floor (upon it there is parking), upper ground floor, first floor second floor and third floor and only a temporary room is constructed on the top floor. Rejoinder further states that building is a mixed use building used for both residential and commercial purposes. It is also mentioned that as per 6th amendment of DERC, the complainants are entitled for commercial connection.

Complainant also filed Architect Certificate, wherein Architect Sanjay Sharma, who is registered Architect and empanelled with Municipal Corporation of Delhi vide registration no. CA/2020/123219, in its report states that he inspected the premises no. KB-107, Main 100 ft road, Kabir Nagar, Shahdara, Delhi-110032 on 13.02.2024 and found that said building is comprised of basement, ground floor, first floor, second floor, third floor and fourth floor and the height of the building from road level upto fourth floor is 15.0 meter and is accordance with building bye laws.


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4. Heard both the parties and perused the record.
5. Counsel of the complainant filed additional submissions reiterating therein his original complaint. He also submitted that he moved an application under Right to Information Act to DERC thereby requesting for getting the information about mixed used land and DERC has given its reply on 16.04.2024 stating therein that "DERC has not issued any new amended guidelines/notification in the month of June 2023 on release of electricity connections. Neither has DERC issued any latest guideline/notification regarding not to release any new connection on mixed use building without fire clearance etc. furthermore, no internal guideline/policy of BSES has been approved by DERC."

He also took heed of order of this Forum in CG No. 28/2024 titled as Mohd Shakeel vs. BSES, wherein Forum has ordered release of new electricity connections in mixed used premises.

6. From the above facts we find that the DERC reply to RTI application dated 18.03.2024 is only clarification that they have not issued any new amended Guideline/notification in month of June 2023 on release of new electricity connection. Neither has DERC issued any latest guidelines/notification regarding not to release any new connection on mixed use building without fire clearance etc. Furthermore, no internal guideline/Policy of BSES has been approved by DERC.

Regarding the order of this Forum in the matter of Mohd Shakeel vs BYPL in case titled as Mohd Shakeel, both the cases are entirely different in nature, matter of Mohd Shakeel is regarding non-release of new electricity connections on pretext of MCD booking and already many connections were released by OP.

Whereas in the present case OP has neither released any connections in the applied building, and nor the building is booked by MCD.

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The complainant alongwith his original complaint has filed Architect Certificate which states that the said building comprised of Basement, ground floor, first floor, second floor, third floor and fourth floor.

The complainant has mentioned building constructed from ground floor, upper ground floor, first floor, second floor and third floor and only a temporary room upon top floor.

Whereas, OP in its reply and inspection report has shown building structure as ground + first+ second+ third and fourth floor. Inspection report shows two rooms only on fifth floor.


7. Since there is mismatch in the nature of floors in the building among complainant's, OP's and Architect's versions. This Forum can't allow the complainant unless correct denomination of floor is provided.

ORDER

The complaint is dismissed with a liberty to the complainant to file a fresh complaint with the correct denomination of floor with supporting documents.

No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN