

C A No. Applied For
Complaint No. 59/2020

In the matter of:

V. MamtaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Advocate Karan Arora, for the complainant
2. Mr. Imran Siddiqi & Ms. Ritu Gupta, on behalf of BYPL

ORDER

Date of Hearing: 18th November, 2020

Date of Order: 27th November, 2020

Order Pronounced by:-Dr. Harshali Kaur, Member (CRM)

Briefly stated facts of the case are that the complainant applied for a domestic electricity connection at her premises on the 2nd Floor, Flat No.3 K 156, 156 B and 156-C, Lal Dora, Village Patparganj, Delhi, which was rejected on account of the building height being more than 15/17.5m by the Respondent Company.

The complainant filed the present complaint before this Forum and prayed for issuance of demand note and direction to release the connection without further delay with penalty and enquiry into this autocratic practice of pick and choose.

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The complainant has alleged that the Respondent Company chooses at their own discretion the buildings which are granted connections and has provided several addresses of allegedly granted electricity connections to consumers whose building height is more than 15/17.5 m. Further, since the Complainant's flat is on the second floor, the Complainant's electricity connection falls within the defined limits and hence she is entitled to the new connection. She has annexed the Sale Deed, acknowledgment of new connection request, bills and photographs to substantiate her averments.

Notice was issued to the Respondent Company, who appeared on date fixed and filed their reply. It was directed that a copy be supplied to the complainant. In their reply the Respondent Company stated that when the complainant applied for the electricity connection in her building, height of the said building was found to be 19.10 m, which is more than 15 m. Further, the complainant's building has been booked by EDMC viachallanNo.382/B dated 15.05.2018 and 486/B dated 06.07.2012. The complainant's Building comprises of ground plus five floors and also non-domestic activities were found at Ground Floor of the premises.

The property 155 and 156 A & B are joint properties and cannot be treated separately. Since the complainant has herself admitted that the height of the building is 19.2 m, hence more than the specified 17.50 m, due to which Fire Clearance Certificate is required. The benefit of relaxation given by DERC vide Notification dated 31.05.2019 cannot be given as in the said Notification DERC clarified the provision of Clause 4.4.3 (A) of MPD, 2021 is as follows:-

- *"Maximum height of the building shall be 15 m in plots without stilt parking and 17.5 m in plots with stilt parking. Such residential building shall not be considered as high rise building. For purpose of fire and life safety requirements, clearance of Fire Department will be obtained by the individual plot owner".*

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- That in terms of Supply Code, 2017 Fire Clearance Certificate is required. The relevant provision of the Supply Code, 2017 is reproduced herewith for ready reference.

"Wiring in the premises of the consumer: All multi- storied 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"

Clause 36 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010:

36. Provisions for supply and use of electricity in multi-storyied building more than 15 meters in height.

1. *"The connected load and voltage of supply above which inspection is to be carried out by an Electrical Inspector for a multi-storied building of more than fifteen meters height shall be notified by the Appropriate Government".*
2. *"Before making an application for commencement of supply or recommencement of supply after an installation has been disconnected for a period of six months or more the owner or occupier of a multi-storeyed building shall give not less than thirty days notice in writing to the Electrical Inspector specify therein the particulars of installation and the supply of electricity shall not be commenced or recommenced within this period without the approval in writing of the Electrical Inspector".*
3. *"The supplier or owner of the installation shall provide at the point of commencement of supply a suitable isolating device with cut-out or breaker to operate on all phases except neutral in the 3-phase, 4-wire circuit and fixed in a conspicuous position at not more than 1.70 meters above the ground so as to completely isolate the supply to the building in case of emergency".*

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4. "The owner or occupier of a multi-storeyed building shall ensure that electrical installations and works inside the building are carried out and maintained in such a manner as to prevent danger due to shock and fire hazards and the installation is carried out in accordance with the relevant codes of practice".
5. "No other service pipes and cables shall be taken along the ducts provided for laying power cables and all ducts provided for power cables and other services shall be provided with fire barrier at each floor crossing".

Hence, the electricity connection was not released to the complainant. The Respondent Company has annexed the deficiency letter, Inspection Report etc. as necessary documents to substantiate their claims.

On the next date of hearing i.e., 18.11.2020 Counsels for both parties appeared and Counsel for Complainant sought liberty to withdraw the present complaint verbally. The Forum granted the complainant's request of withdrawal of the present complaint on filing of a letter of withdrawal, which the complainant through her counsel did on 19.11.2020, stating there that she does not want to pursue the present case any further with due signature.

Under the circumstances, this Forum finds it prudent to allow the complainant to withdraw her complaint and directs the office to consign the file to record room after sending a copy of this order to both the parties.



(HARSHALI KAUR)
MEMBER(CRM)



(VINAY SINGH)
MEMBER(LEGAL)



(ARUN P. SINGH)
CHAIRMAN