



**CA No. Applied for
Complaint No. 411/2023**

In the matter of:

Durgesh & Kamlesh SinghComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 19th December, 2023

Date of Order: 22nd December, 2023

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

1. This complaint has been filed by Mr. Durgesh & Kamlesh Singh against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that Mr. Duresh and Kamlesh Singh applied for new electricity connections vide request no. 8006592991, 8006592884 and 8006594316 at premises no. J-40, 4th floor, J-extension, Laxmi Nagar, Delhi-110092.

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It is also his submission that OP rejected their applications of new connection on the pretext of "dues at site and building height more than 15 meter", but complainant alleged that pending dues pertains to some other property.

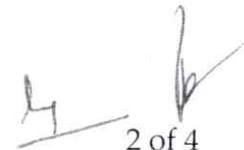
3. OP in its reply briefly stated that complainant is seeking three electricity connections for upper ground floor, third floor and fourth floor of property bearing no. J-40, J-extension, Laxmi Nagar, Delhi-110092. The complainants applied for new connections vide request no. 8006594316 in the name of Kamlesh Singh, request no. 800659299 in the name of Durgesh Kumar and request no. 8006592881 Duregsh Kumar all the three applications were rejected on the grounds that building completion certificate is required and dues pending against the applied premises.
4. Counsel of the complainant in his rejoinder stated that respondent is claiming enforcement dues from him which are settled by the user and part payment has also been made by the user and regarding building height he is ready to submit Architect Certificate to confirm that the height of the building is less than 15 meters.
5. During the hearing on 19.12.2023, counsel of the complainant reiterated the contents of his rejoinder. Forum agreed to this and asked the counsel of the complainant to file Architect Certificate mentioning the height of the building and an affidavit/undertaking regarding payment of outstanding theft bill stating that if the builder fails to pay the outstanding dues he will be liable to pay the dues.

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Secretary
CGRF (BYPL)






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6. The counsel of the complainant on dated 19.12.2023 submitted Architect Certificate from MCD approved architect stating that the height of the building from road level upto Fourth floor is 17.5 meter approx. He also submitted an undertaking of dues that theft bill of CA no. 401633070 is settled in PLA. PLA has ordered to pay the bill amount in four equal installments, which they are paying from time to time. He also submitted that if the outstanding dues of installment they could not pay any reason, BSES can disconnect the meter without any further reference/notice.
7. Before disposal of the complaint, relevant Regulations are stated here

The notification of DERC vide no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019 it is clarified that the distribution licensee for release of electricity connection shall not insist for fire clearance certificate for the residential buildings having height upto 15 meters without stilt parking and 17.5 meters with stilt parking. The measurement of the height of the building shall be made in accordance with clause 1.4.16 and 7.19 of Unified Building Bye-Laws for Delhi 2016.

As per 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.

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8. Therefore, we are of considered opinion that the complainant has fulfilled the formalities as per DERC Regulations 2017, therefore, new connections can be granted to the complainants.

ORDER

The complaint is allowed with the directions to OP to release the new connections as applied by the complainant vide request no. 8006592991, 8006592884 and 8006594316 for upper ground floor, third floor and fourth floor of premises no. J-40, J-extension, Laxmi Nagar, Delhi-110092. OP is further directed to file compliance report within 21 days from the date of this order.


The case is disposed off as above. No order as to the cost. Both the parties should be informed accordingly.

File should be consigned to Record Room.


(S.R. KHAN)
MEMBER-TECH


(P K SINGH)
CHAIRMAN


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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