



C A No. Applied for
Complaint No. 387/2023

In the matter of:

Harish DheengraComplainant

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. imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 02nd January, 2024
Date of Order: 19th January, 2024

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

1. By way of present complaint, the complainant sought a relief of load enhancement, since rejected by the OP. The complainant is a consumer of OP vide CA No. 153535023 in respect of his shop bearing no. 8 on Ground floor of premises no. R-25, R-block, Laxmi Nagar, Shakarpur, Delhi -110092, having sanctioned load of 1 KVA for non domestic purpose. As per complaint complainant's request for load enhancement was rejected on false ground of requirement of fire safety clearance certificate.

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2. On notice OP by filing its reply justified the rejection on following grounds:

Followed Regulation 11 of DERC Supply Code 2017 for release of electricity connection, as required under Regulation 17(2)(II) thereof and found that

- (a) The building is commercial building
- (b) Building structure consists of ground+5 floors over it. Thus, the building height is greater than 15 meters.
- (c) The subject premise is booked by the MCD.
- (d) The said shop was found vacant both at the time of visit and re-visit and no three phase usage was found at the site.
- (e) Only three shops exist on the ground floor of the subject premises.

Hence for grant of load enhancement, the complainant is required to submit a fresh (BCC) Building Completion Certificate or an NOC in lieu thereof with the fire safety clearance certificate. Earlier connection was granted only after complainant's undertaking that building is constructed as per building bye-laws.

Reply also states that complainant is requiring enhancement of load from single phase to three phase which he will use for running a lift therein. Earlier request for load to run the lift was lodged by the complainant which has already been rejected by the OP.

3. In rejoinder to this reply, complainant denied that he requires three phase connection and shall use the same for lift. Complainant clarified that he has to use three air-conditioners and computers in his shop, for which only load required is upto 11 Kw and no three phase is required. Regarding MCD objection rejoinder clarifies that earlier the subject connection was granted only after getting BCC. Complainant also states

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that since already complainant has submitted BCC at the time of energization of the connection OP can't ask for fresh BCC. Complainant also states that in some other cases even in building beyond 15 meters connections were granted without BCC.

4. Heard and perused the record.
5. Regarding OP's contention of three phase request, complainant himself states that he does not require it. But he requires enhancement of load between 1 to 11 KW sufficient to cater his need for using air-conditioners and computers only in the shop.

Regarding commercial building complainant has made no specific denial. At the same time it is an admitted fact that the subject connection is commercial connection.

So far as MCD objection is concerned complainant states that he has already submitted BCC at the time of his live connection. To which OP clarifies that at the time particular building was having three storey only and not G+5 as on date. It is also explained by the OP that even then connection was subjected to submission of complainant's undertaking that the building has been constructed as per Municipal bye-laws.

Further on perusal of the bill dated 16.10.2023 MCD objection list dated 15.02.2021 and OP's letter dated 18.02.2021 written to MCD, in response of its objection list, jointly, we find that the subject connection was energized on 01.11.2021 while MCD objection list is dated 11.02.2021 and OP's letter to MCD is dated 18.02.2021, meaning thereby OP received the objections of MCD prior to the energization of the connection and it was due to objection that OP energized the said connection only after receipt of BCC. We also find that reply specifically states that BCC was issued for G+3 storey building only.

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If we go through the revisit report dated 19.10.2023, it specifically states that the building comprises Ground +5 floors, which is not denied by the complainant. However, we don't find any document to show that this five floor building is also under MCD objection.

6. In the fact and circumstances even if the OP is not able to place on record any document in support of its contentions that this G+5 building is under MCD objection, it is an admitted fact that the building has five floors and is commercial building. In that case height of entire building and not the applied floor shall be considered.
7. Hence, fire safety clearance certificate is required for grant of load enhancement. Even if earlier BCC was submitted as now building is G+5, In our considered opinion view OP has rightly rejected the request of load enhancement for want of fire safety clearance certificate, and instance of another connection allegedly granted with BCC is no ground for grant of enhancement unless and until it is shown that those connections were given under any valid Provision of law and present case is also covered therein.

ORDER


The complaint is dismissed. The complainant is not entitled for load enhancement as applied for unless and until a fire safety clearance certificate is provided by the complainant to the OP.

Complaint is disposed off as above.


No order as to cost. File be consigned to record room.



(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

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(H.S. SOHAL)
MEMBER