



C A No. Applied For
Complaint No. 433/2023

In the matter of:

Jakir AhmadComplainant

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)

Appearance:

1. Mr. Imran Ul Haq Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & On behalf of BYPL

ORDER

Date of Hearing: 9th April, 2024

Date of Order: 12th April, 2024

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

1. This complaint has been filed by Mr. Jakir Ahmed against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Mr. Jakir Ahmed applied for new connection vide request no. 8006639104, at premises no. R-152, 4th Floor, Ramesh Park, Laxmi Nagar, Delhi - 110092, but OP rejected the application due to " Floor mismatch, building height more than 15 meter, BCC/Fire Clearance Certificate required" but

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complainant stated that already new connection has been installed in same building at second floor after intervention of CGRF in case titled as Tabassum Farah, C.G. No. 312/2023. Therefore, he requested the Forum to direct the respondent for release new connection.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection on fourth floor of property bearing no. R-152, Ramesh Park, Laxmi Nagar Delhi-110092, vide request no. 8006639104. At the time of inspection it was found that building structure consists of Basement, Ground Floor with five floors over it. As per the connections existing floors are numbered as Ground Floor, Upper Floor and so on. As a consequence whereof applied floor is numbered as third floor which is claimed to be fourth floor by complainant by numbering upper Floor as First Floor and so on.

The applied premises are already electrified through meter No. 35287852 registered in the name of Farzana. From the IR of said connection it is apparent that floor in respect of which complainant has sought connection and the floor wherein Ms. Farzana took connection in year 2014 is same floor.

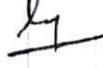
3. In response to the reply the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply. The complainant has applied new electricity connection on fourth floor of property bearing no. R-152 Ramesh Park, Laxmi Nagar, Delhi-110092 however the same was rejected by the OP on ground that a connection bearing CA No. 151170994 exist on the applied floor, which is wrong and denied as the connection bearing CA No. 151170994 in the name of Ms. Farzana is installed on the third floor of the building and supplying electricity to the floor below the floor of the complainant and to confirm

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the said fact a joint visit was ordered by the Forum however the officials of respondent refused to confirm/check the fact as to which floor of the building is being energized by the connection CA No. 151170994 of Ms. Farzana on the pretext that they don't have a lineman with them to check the said fact. Further as mentioned by the OP in para 2 the building of complainant consist of basement, ground floor and five over it. Hence, it can be concluded that there are total 7 units in the building and hence two more dwelling units remains to be energized and out of the two remaining dwelling unit, complainant has applied for the connection which is being denied by the respondent. OP submitted that the complainant has applied connection on the fourth floor of the building and the same can be verified by the map shown in the joint visit report submitted by the OP dated; 10.01.2024.

4. Joint Visit report dated 01.03.2024 stated that applied building is Basement+UGF+4 building structure. Applied building Basement+UGF is commercial purpose used but meter installed is DOM I. At the time of visit SF, TF, 4F, GF are on closed and on TF no electricity found at the time of visit but tenant said that in morning electricity supply is on.
5. Heard both the parties at length and perused the record.
6. From the narration of facts and material placed before us we find as under:-
 - a) The complainant in his complaint has mentioned that he applied for new electricity connection vide request no. 8006639104, at premises no. R-152, 4th floor, Ramesh Park, Laxmi Nagar, Delhi-110092, which OP rejected on pretext of building height more than 15 meters, floor mismatch and BCC or fire clearance certificate required.

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- b) The complainant in his complaint also mentioned that a new connection was installed in the same building at second floor after the intervention of this Forum in the case titled as Tabassum Farah, CG no. 312/2023.
- c) OP rejected the application of the complainant for new connection on the pretext of floor mismatch, building height more than 15 meters and requirement of BCC or fire clearance certificate.
- d) OP also stated that the floor for which connection is applied by the complainant is actually third floor and same is energized with the connection having CA No. 151170994 in the name of Ms. Farzana.

7. In this regard, it is observed that the complainant's request for release of new electricity connection in the name of Tabassum Farah in CG No. 312/2023 had different subject matter, though the complaint was for release of new electricity connection but same was rejected by OP because of pole encroachment. The said connection was released by this Forum as the pole was not total inside the building.

Forum also noted that in the complainant filed two rejoinders on record and in one rejoinder it was clearly mentioned that property is having two portions above the applied floor/premises and upon it there is one electricity meter and other unit is lying vacant without electricity meter. The Technical Feasibility (TF) report of Ms. Farzana and that of the complainant is also placed on record by OP. The TF report dated 08.11.2023 of Jakir Ahmed shows building structure as basement, ground floor, first floor, second floor and third floor. Whereas the TF report dated 19.06.2014 of Farzana shows building structure basement, ground floor, upper ground floor, first floor, second floor and third floor. The difference in both the TF reports is upper ground floor, which is not shown at the time of new connection for Jakir Ahmed and the said floor was mentioned in applying of new connection in name of Farzana.

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Site visit report dated 01.03.2024 shows connections in basement, ground floor, upper ground floor, second floor and third floor.


8. In view of the above, we are of considered opinion that OP's contention that already the floor applied for new connection is energized with CA No. 151170994 is correct. Therefore, OP has rightly rejected the application of new connection of the complainant.


ORDER


The complaint is rejected. For release of new electricity connection, complainant has to fulfill all the commercial formalities as per DERC Regulations 2017.

The case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.R. SINGH)
CHAIRMAN