



C A No. Applied For
Complaint No. 467/2023

In the matter of:

KalpanaComplainant

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 (Tech.)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER




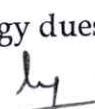

Date of Hearing: 20th February, 2024
Date of Order: 26th February, 2024

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

1. The complaint has been filed by Ms. Kalpana against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that Ms. Kalpana applied for new connections vide request no. 8006417749, and 8006653791 at premises no. S-195, G/Floor, School Block, Shakarpur, Delhi-110092, but respondent rejected the application of the complainant for new connection on the pretext of energy dues

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    1 of 6 

Complaint No. 467/2023

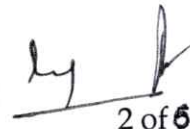
against CA and meter BYPL pole found encroached upon by applicant. The complainant alleged that several connections have been installed in the same premises by OP. Therefore, she requested the forum to direct the respondent for release of new connections.

2. OP in its reply briefly stated that the complainant is seeking new non-domestic electricity connection at ground floor of property bearing no. S-195, School Block, Shakarpur, Delhi-110092 vide request no. 8006653791 and same stands rejected on account of pole encroachment and for want of NOC from fire department as building is having height of more than 15 mtrs. OP further submitted that applied building is commercial in nature and building structure consists of ground plus five floors over it. As the height of the building is more than 15mtrs, accordingly, the applicant is required to provide NOC from fire department or building completion certificate (BCC) in lieu thereof.

Regarding the pole, inputs were sought from O & M, and O & M vide their mail has specifically clarified that there is no safety clearance between LT network and premises and the lineman in order to work on pole will be required to access the pole from the balcony of subject premises. Further pole cannot be lifted in case of need. OP also added that the said building has many NX connections and also provide the details:-

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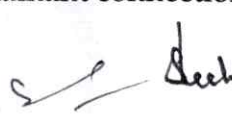

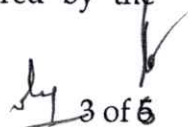
Complaint No. 467/2023

S.No.	Meter no.	CA No.	Tariff Category	Floor
1.	11481966	150942541	DX	Third floor
2.	35505607	100957623	DX	Second floor
3.	25179970	152639527	DX	First floor
4.	35505602	100988585	DX	No floor
5.	70354773	100957593	DX	Third floor
6.	35505716	100957557	DX	No floor
7.	35505714	100960406	DX	No floor
8.	55399498	153861043	DX	Second floor
9.	35505715	101036741	DX	Ground floor

3. In response to the reply the complainant filed rejoinder. The complainant has applied for new electricity connection on ground floor of premises bearing no. S-195, School Block, Shakarpur, Delhi-110092. He also stated that the same was rejected by the respondent on the pretext of pole encroachment and for want of BCC stating that building is above 15 meter and commercial in nature which is wrong and denied. The building in which new connection is applied for is a residential building and all nine connections installed in the building are of domestic category, reply has mentioned the category of all nine connection as domestic and copy of bills attached with the reply shows that the connection installed are of domestic category and as the building is in residential in nature there is no requirement of submission of BCC or fire clearance certificate as required by the respondent for release of complainant connection.

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CGRF (BYPL)

   3 of 5

Complaint No. 467/2023

OP is claiming is wrong and denied, as the pole no E 595 in gali no, 4 through which connection of the complainant will be energized is approx 10 meters away from the premises of the complainant and the said fact is also mentioned by the respondent in their inspection report.

4. Heard both the parties and perused the record.
5. From the documents placed on record we find that OP raised two objections for not releasing new connection to the complainant. First the building height is more than 15 meters and it is a commercial building therefore, Building Completion Certificate or fire Clearance certificate is required. Secondly, there is pole encroachment.
6. OP in its reply stated that the building already has many NX electricity connections and also provided details of the same but the list of nine connections provided by OP are domestic connections. Not even a single connection is commercial. Also, the Inspection Report dated 16.11.2023 submitted by OP, states that the service line length required is 10 from pole/feeder pillar no. E595.
7. As far as legal position is confirmed according to 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.

4(1) In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the Distribution licensee shall:

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CGRF (BYPL)

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4 of 6

Complaint No. 467/2023





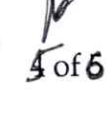
- (i) release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:
- (ii) in the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:

Provided that in case such dwelling units above 15 meters without stilt parking and above 17.5 meters with stilt parking of the building indulge in unauthorized connection from the system of licensee or from the live connection of any other consumer, the licensee may initiate an action as per provisions of Section 126, Section 135 , Section 138 or any other section as may be applicable of the Electricity Act, 2003 and the electricity connection of such consumer who has provided the supply unauthorisedly, shall be disconnected immediately;

8. Since the complainant has applied for commercial connection and the height of the building is more than 15 meters, No matter whether the building already have domestic connections but as per above stated Sixth Amendment, the complainant has to file Building Completion Certificate or NOC from the concerned authority.
9. Regarding the other objection of OP, pole encroachment, the said pole is approx 10 meters away from the shop of the complainant. Also, OP has released many connections from the said pole and also in the premises which is in just front of the pole, therefore, this objection of OP is not sustainable.

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CGRF (BYPL)

    
5 of 6

Complaint No. 467/2023

10. In the facts and circumstances aforesaid, we are of the view that the respondent may be directed to provide the connection to the complainant after submission of Building Completion Certificate from the concerned MCD.

ORDER


Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities as per DERC Regulations 2017 and submission of Building Completion Certificate or NOC from MCD.

The case is disposed off as above.

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


(S.R. KHAN)
MEMBER -TECH

~~(P.K. SINGH)
CHAIRMAN~~


(P.K. AGRAWAL)
MEMBER -LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

5 of 6

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