

**CA No. Applied for**  
**Complaint No. 187/2022**

In the matter of:

Mohd Irfan .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**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. Mohd Irfan, Complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Ms. Shweta Chaudhary, Mr. Vijay Rana & Ms. Divya Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 13<sup>th</sup> December, 2022  
Date of Order: 19<sup>th</sup> December, 2022

**Order Pronounced By:- Mr. S.R. Khan, Member (Technical)**

1. This complaint has been filed by Mohd Irfan, against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Mohd Irfan applied for new connection vide request no. 8005670672 at his premises no. 409 B, top floor, Gali No. 4, Old Mustafabad, Delhi-94. He further submitted that already there are 9

*SR Khan* *Seshi* *by* *by*

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meters installed in the same building. Also, architect map is already submitted with the respondent against the connection having CA No. 153711028, and height of the building is less than 17.5 meters, but respondent has not released the new connection till date.

3. The respondent in reply briefly stated that the applicant applied for new electricity connection vide application no. 8005670672 at H.No. 409/B, 5<sup>th</sup> floor, back side Kh.No. 343/1, Gali no. 4, Old Mustafabad, Delhi-110094.

OP further submitted that during site visit of the applied premises it was found that height of the commercial building wherein the new electricity connection applied is more than 15 meters having GF+UGF+FF+SF+3<sup>rd</sup> F+4<sup>th</sup> F (total six floors) on GF there exist one shop + one flat and one small bike parking. In terms of Supply Code 2017, a Fire Clearance Certificate is required for buildings having height more than 15 meters.

4. Heard both the parties and perused the record.
5. Heard the arguments of Authorized Representative of the complainant and OP-BYPL. Representative of the complainant submitted that already there are 9 domestic connections in the building and only his flat is without electricity. He also stated that he submitted building height certificate along with application for CA no. 153711028 which clearly states that building height is less than 17.5 meters.
6. In this record, LR of OP submitted that new connection applied by the complainant cannot be given to him as the building height is more than 15 meters and in the stilt area there is one shop and one flat exists.









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7. The main issue in the present case is whether the new connection can be issued to the complainant when building height is more than 15 meters and all the other premises in the building have connections except premise of the complainant.

8. Before disposal of this complaint its necessary to discuss the Rules applicable here. 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.

9. From the perusal of evidence placed on record and hearing the pleadings of the parties, we are of the considered opinion that building height is less than 17.5 meters and complainant has requested the connection on the 5<sup>th</sup> floor of the building. This building has nine independent connections on different floors. The connection to complainant is denied on the basis that stilt parking has been converted into shop. If there is stilt parking the permissible height is 17.5 meters and if someone is using stilt parking for shop purpose then also the height of the building would be same as 17.5 meters.

Since, there is parking at the ground floor and building is 5 storey and the building height is less than 17.5 meter even after constructing shops in the stilt parking area the height of the building would remain the same. Also, Water and electricity are integral part of right to life. Hon'ble Supreme Court in the case of Dilip (Dead) LR vs Satish, SCC online SC810 dated 13.05.2022 has held that "electricity is basic amenity which a person cannot be deprived off".

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10. Therefore, we are of considered opinion that complainant cannot be deprived off with his right of getting basic requirements.


ORDER

The complaint is allowed. OP is directed to release the new connection to the complainant as per above stated directions and completion of all the necessary commercial formalities.


The OP is also directed to file compliance report to this office within 21 days from the release of this order.

The case is disposed off as above.

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

  
(NISHAT A. ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

 19/12/22  
(P.K. SINGH)  
CHAIRMAN