

CA No. Applied For  
Complaint No. 10/2024

In the matter of:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Akash Swami, Mr. Akshat Aggarwal, Ms. Chhavi Rani, on behalf of respondent.

**ORDER**

Date of Hearing: 02<sup>nd</sup> April, 2024  
Date of Order: 08<sup>th</sup> April, 2024

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

1. The complaint has been filed by Mr. Nafis Ahmed against BYPL-LNR. The brief facts of the case giving rise to this grievance are that Mr. Nafis Ahmed applied for Category Change for CA no. 100975919, installed at premises no- 11/429, Lalita Park Laxmi Nagar Delhi-110092, but respondent rejected his application for category change on pretext of requirement of Bcc or fire clearance certificate.

*Nafis Ahmed*

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Secretary  
CGRF (BYPL)

*Nishat Alvi*

*[Signature]*

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2. OP in its reply briefly stated that the complainant is seeking change of category from domestic to commercial i.e. from DX to NX on the existing meter/CA no- 100975919 vide application bearing no 8006689299 on the premise bearing address as 11/429, Lalita Park Laxmi Nagar Delhi-110092. OP further added that upon inspection of the premises in terms of the category change, it was observed that the said premises consist of Ground Floor plus 5 Floor i.e. G+5 floors with commercial nature. It was also observed that premises being commercial in nature having a structure of ground floor plus 5 floors i.e. G+5 which makes the height of the premises more than 15 meters, the pre condition of having a building completion certificate or a fire safety clearance certificate is must in terms of the prevailing guidelines and provisions of the Electricity Act & Regulations framed in respect thereto i.e. Delhi Electricity Regulatory Forum (Supply Code & Performance Standards) Regulations, 2017. The height of the aforesaid premises being more than 15 meters, therefore the request for change of category can only be allowed subject to submission of valid building completion certificate (BCC) or a fire safety clearance certificate.

3. In response to the reply the complainant filed rejoinder. The complainant has applied for Category Change for CA No. 100975919 and request no- 8006689299 at premises bearing no- 11/429, Lalita Park Laxmi Nagar Delhi-110092. It is respectfully submitted that the connection is installed at the ground floor. Complainant has demanded for change of category only for the ground floor connection and to this effect; the complainant is ready to submit the architect certificate.

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4. Arguments of both parties are heard at length.
5. The main issue is whether the category change can be done to the complainant where the complainant has applied for category change under commercial category in a building having more than 15 meters height giving benefit of sixth amendment?
6. As far as legal position is concerned 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:

- (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

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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;

7. For buildings provision is given in Clause 2(4)(1) aforesaid. It provides two sub-clauses. Out of which Sub-clause(i) is material in this case, which permits release of connection, without insisting Fire Safety Clearance Certificate, in such building, considering height of the dwelling units only and not the entire building.

In this sub-clause, two things are material - (a) that the unit is dwelling, b) that the height of dwelling unit is below 15 meters.

Thus as per this amendment even if the height of the building is more than 15 meters, category can be changed if the height of the applied unit is within 15 meters and without stilt parking and 17.5 meters with stilt parking. But this concession is available only to the dwelling units. In the present case the complainant has applied for category change from domestic to commercial connection, it means that the subject unit no more remains dwelling unit, therefore, he is not entitled for the benefit of this amendment.

8. In the facts and circumstances we are of considered view that even if the building is considered residential, complainant can't be allowed to get category changed from domestic to commercial unless and until a fire safety clearance certificate is obtained.

*for*  
*Ahalya*

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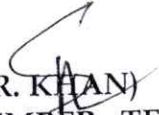
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
ORDER

The complaint is rejected. The request of the complainant for category change vide request no. 8006689299 for CA No. 100975919 at premises no. 11/429, GF, Lalita Park, Laxmi Nagar, Delhi-110092, cannot be granted unless and until fire safety clearance certificate is submitted to the OP.

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

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(P.K. SINGH)  
CHAIRMAN

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Secretary  
CGRF (BYPL)

  
(P.K. AGRAWAL)  
MEMBER -LEGAL

  
(H.S. SOHAL)  
MEMBER