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B Y P L

Consumer Grievance Redressal Forum  
FOR BSES YAMUNA POWER LIMITED  
(Constituted under section 42 (5) of Indian Electricity Act. 2003)  
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032  
Phone: 32978140 Fax: 22384886  
E-mail: cgrfbypl@hotmail.com  
SECYCHN015/BSNKS

C A No. Applied For  
Complaint No. 07/2024

In the matter of:

Rahul Saini .....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)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & Ms. Chhavi Rani, On behalf of BYPL

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. This complaint has been filed by Mr. Rahul Saini against BYPL-Laxmi Nagar. The brief facts of the case giving rise to this grievance are that Mr. Rahul Saini applied for new electricity connection vide request no. 8006691776 at premises no. 15, GF, Chander Vihar Mandawali Fazalpur, Delhi-110092, but respondent rejected the application of the

*for*  
*Ashwini*  
Attested True Copy

Secretary  
CGRF (BYPL)

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*by* 1 of 5

Complaint No. 07/2024

complainant for new connection on the pretext of "Building height is more than 15 meters, BCC or fire clearance certificate required" but Complainant alleged that he has applied for new connection at ground floor under non-domestic category and already there are two dwelling units on ground floor.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking fresh electricity connection for one portion on the ground floor of property bearing no. 15, Chander Vihar, Mandawali Fazalpur, Delhi-110092 vide application no. 8006691776 and the application of the complainant was rejected due to building height more than 15 meters.

OP further stated that upon inspection, it was found that the subject building is constructed from the ground up to four floors over it. Each floor has two dwelling units and already nine domestic electricity connections exist in the subject building. On ground floor in one of the portions a domestic meter is installed.

As the complainant applied for new connection under non-domestic category therefore complainant is required to file fire safety clearance certificate from the concerned department or the Building Completion Certificate (BCC) or NOC in lieu thereof.

3. The counsel of the complainant denied the contentions of the respondent as averred in their reply and stated that he applied for new connection vide request no. 8006691776 on ground floor and he is ready to submit architect certificate if required. Premises no. 15, Chander vihar, Mandawali Fazalpur, Delhi-110092 is mixed use building having domestic and commercial connection.

*for Ashwini*  
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*for Ashwini*

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2 of 5

Complaint No. 07/2024

4. Arguments of both parties are heard at length.
5. The main issue is whether the new connection can be released, to the complainant where the complainant has applied for new connection under commercial category in a building having mostly domestic connections of 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

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3 of 5

Complaint No. 07/2024

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;

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, connection can be released 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 commercial connection, 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 new connection under commercial category unless and until a fire safety clearance certificate is obtained.

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4 of 5

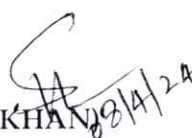
Complaint No. 07/2024

ORDER

The complaint is rejected. The request of the complainant for new connection vide request no. 8006691776 at premises no. 15, GF, Chander Vihar, Mandawali Fazalpur, Delhi-110092, cannot be granted unless and until fire safety clearance certificate is submitted to the OP.

Case is disposed off as above.


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

  
(S.R. KHAN) 28/4/24  
MEMBER-TECH

  
(P.K. SINGH)  
CHAIRMAN

  
(P.K. AGRAWAL)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(H.S. SOHAL)  
MEMBER

5 of 5

  
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