



C A No. Applied For
Complaint No. 82/2021

In the matter of:

Ranju DeviComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Prem Singh Rawat, A.R. of the complainant
2. Mr. Imran Siddiqui & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 22nd September, 2021

Date of Order: 29th September, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new connection, but the respondent company rejected her application for new connection.

The complainant submitted that she purchased property no. A-3/1-B, Acharya Niketan, FF, Mayur Vihar Phase-I, Delhi-110091 on 05.02.2020. It is also her submission that she applied for new electricity connection at the said premises vide application no. 8004764752 dated 02.02.2021.

Harshali

Vinay

Imran

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She further added that respondent rejected her application for new connection on the pretext of building height more than 15 meters, fire clearance certificate is required, address in MCD objection list and ownership and billing address mismatch. Therefore, she requested the Forum to direct the respondent for immediate release of new connection.

Notices were issued to both the parties to appear before the Forum on 27.08.2021.

The respondent company submitted their reply stating therein that the complainant applied for new electricity domestic connection vide application no. 8004764752 at A-3/1-B, FF, Acharya Niketan, Mayur Vihar Ph-I, Near PSC PKT-1, Delhi110091. The request of the complainant was rejected due to address of the premises for which the new electricity connection applied appear in EDMC objection list therefore, occupancy cum completion certificate is required. Respondent also submitted that during site visit it was found that height of the building wherein the new electricity connection applied is of 16.2 meters having GF+4 floors. One NX meter along with four DX meters are already installed at premises. At the time of site visit GF was found locked it is possibility of commercial activity at ground floor.

The matter was listed for hearing on 27.08.2021, when AR of the complainant was present and argued that they have applied for new connection in the premises, but respondent raised objection that this property was booked by EDMC and fire clearance certificate is required as per the rejection letter dated 02.02.2021. The Forum felt that respondent would help the complainant to provide the format to seek clarification from EDMC in this regard whether this property is booked by EDMC or not and complainant will file NOC in respect of property in question.

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The matter was again heard on 17.09.2021, when complainant filed one letter which is not signed and some hand written letters alongwith this letter that MCD did not provide the completion certificate because no Naksha was passed by MCD. Copy of all the documents filed by the complainant should be supplied to the respondent and respondent would file reply in this regard.

Respondent vide their mail dated 21.09.2021 submitted that as per the orders of the Forum they have provided the complainant format to get NOC/building completion certificate from EDMC but complainant has submitted some other documents which are not issued by EDMC and neither proves that the premises is not booked by EDMC.

The issue in the present case regarding the release of connection.

- The property is under booked EDMC list as produced by the respodnetn before the Forum.
- The building height is more than 15 meters, so the fire clearance certificate is required.
- As per the sixth amendment the connection may be released upto 15 meters but the complainant is doubtful to get the benefit because the commercial activity is on the ground floor but respondent will again visit after EDMC clarification and NOC to provide benefit of sixth amendment to the complainant.
- But as per the complainant no Naksha has been passed due to unauthorized colony. So, the EDMC certificate is not possible as per the complainant but the Government of NCT has regularized lot of unauthorized colonies and due to which the complainant can get NOC from EDMC.

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The notification of DERC vide no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019 it is clarified that the distribution licensee for release of electricity connection shall not insist for fire clearance certificate for the residential buildings having height upto 15 meters without stilt parking and 17.5 meters with stilt parking. The measurement of the height of the building shall be made in accordance with clause 1.4.16 and 7.19 of Unified Building Bye-Laws for Delhi 2016.

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.

But later on dated 22.09.2021, when respondent submitted that they are ready to release the connection if the complainant filed NOC from EDMC.

In view of the above, we are of the considered opinion that for release of new connection the complainant has to obtain true, genuine NOC from EDMC office and the respondent is further directed to inspect the premises at the time of releasing of the connection regarding the commercial activity which they found locked during their first inspection and if no commercial activity is found on the ground floor the respondent may consider as per sixth amendment and the connection may be release to the complainant after fulfilling all the commercial formalities as per DERC Guidelines 2017.

In view of the above, the case is disposed off.

The order is issued under the seal of CGRF.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN