



C A No. Applied For
Complaint No. 205/2023

In the matter of:

S.K. Shafiqul IslamComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A 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. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 29th August, 2023

Date of Order: 01st September, 2023

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

1. This complaint has been filed by Mr. S.K. Shafiqul Islam against BYPL-SRD.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. S.K. Shafiqul Islam applied for new electricity connection vide request no. 8006238141.

Attested True Copy
[Signature]
Secretary
CGRF (BYPL)

[Signatures] 1 of 4

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At premises no. 3155/33, 1st floor, Beadonpura, Karol Bagh, Delhi-110005 but respondent rejected the application of the complainant for new connection due to "building height more than 15 meters, but complainant alleged that the objection of OP is false.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection at premises bearing no. 3155/33, 1st floor, Beadonpura, Karol Bagh, Delhi-110005. The complainant applied for new connection vide order no. 8006238141 for first floor. The application of the complainant was rejected for want of NOC from fire department as building which is commercial in nature is having height of more than 15 meters. The building consists of ground plus five floors plus room over it.

All the connections installed in the building are commercial connections and were sanctioned prior to November 2018. For fresh electricity connection fire safety certificate from approved authority is required or in lieu thereof Building Completion Certificate (BCC) is required.

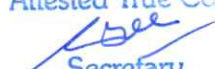
4. Representative of the complainant submitted his rejoinder rebutting therein the contentions of the respondent as averred in their reply and submitted that he was using electricity through CA No. 100623108 and connection was disconnected in the year 2020 on account of non-payment of dues during the Covid-19 period. The property in question is old construction and he has applied for new connection on the first floor only.

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5. LR of the OP submitted that the building of the complainant is totally commercial. As per Regulation 10 of DERC Regulations 2017, new electricity connection can be provided on applicant filing the duly filled forms for the new application connection as duly approved by DERC. As per said form the applicant undertakes that the building has been constructed as per prevalent building byelaws. Thus in case the premises booked by MCD then prime facie the said undertaking is false and accordingly in such cases applicant is asked to submit either the NOC from MCD or BCC.
6. 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.
7. The above stated Regulation is only for residential building, since the building where complainant applied for new electricity connection is commercial building and all the floors in the building are having commercial connections therefore, for release of new connection to the complainant the complainant has to file either NOC from MCD or BCC.

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ORDER

The complaint is rejected. OP has rightly rejected the application of complainant for new connection. The complainant has to file either NOC from MCD or BCC.

8. The case is disposed off as above.
9. No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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Secretary
CGRF (BYPL)