



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
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SECY/CHN 015/08NK

CA No. Applied For
Complaint No. 131/2022

In the matter of:

Shabana ParveenComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Nishikant Ray, Counsel of the complainant
2. Mr. Imran Siddiqim Mr. Prateek Pahwa & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 02nd August, 2022

Date of Order: 10th August, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent has not released the new connections till date.

The complainant's grievance is that she is residing at flat no. 73, Forth floor, Gali Mem wali, Katra Bariyan, Delhi-6 and which she purchased on 04.02.2019 through GPA. Thereafter, she applied for new electricity connection vide

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application no. 8005614809 on dated 06.04.2022 for domestic purpose but respondent rejected her application for new connection on pretext of building height more than 15 meters. It is also her submission that the building is constructed upto fifth floor and there are nine flats in said per floor. Therefore, she requested the Forum to direct the respondent for immediate release of the new connection.

Notices were issued to both the parties to appear before the Forum on 21.07.2022.

The respondent in their reply submitted that the complainant applied for new electricity connections for domestic purpose vide application no. 8005614809 at 73, 4th floor, Gali Mem wali, Katra Bariyan, Delhi-110006. During site visit it was found that height of the building where new connection is applied is more than 15 meters having basement + mezzanine floor + 5 floor with commercial activity found from ground floor to first floor. Respondent further added that a fire clearance certificate is required, further benefit of third amendment of DERC cannot be given to the complainant as there is commercial activity on ground, mezzanine and first floor of the building.

The matter was listed for hearing on 21.07.2022, when both the parties were directed to conduct a joint inspection and file their report.

As per the orders of the Forum both the parties visited the site on 28.07.2022 and submitted site visit report stating that the GF+MF+FF is commercial and SF till 5th floor is residential. Construction on 5th floor is 1/3rd of total area. It is also mentioned in the site visit that DT Enforcement of CA No. 401219656, 401221334 & 401221336 are not related to applicant. Building height upto applied floor is 17.25 meters. Total height of building is 20 meters.

Shubh

V. K. Sharma

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The matter was finally heard on 02.08.2022, when respondent was directed to file an affidavit regarding measuring height of the building since DERC Guidelines 2017. Arguments of both the parties were heard and matter was reserved for orders.

Respondent submitted affidavit dated 08.08.2022 stating therein that applied building status is GF+5F. GF+MF+FF are commercial and SF till 5th floor is residential. Building height upto applied floor is 17.25 meters and total building height 20 meters.

The main issue in the present complaint is whether the connection to the complainant can be granted or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we are of considered opinion that as per the site visit report submitted by the respondent the building is mixed premises and total height of the building upto applied floor is 17.25 meters and total height of the building is 20 meters.

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.

Sub

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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.


We are of considered opinion that building is mix type, where commercial activities are on the ground, mezzanine and first floor and residential on second, third, fourth and fifth floors of the premises and for release of new connection the Fire clearance is required.

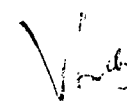
Therefore, we direct

- Respondent is directed to release the connection if the complainant submits the Fire Clearance Certificate/Building Completion Certificate and complete commercial formalities as per DERC Guidelines 2017.
- Respondent is also directed to file compliance report within 21 days from the date 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 AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)
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