



**C A No. Applied for
Complaint No. 423/2023**

In the matter of:

Sorabh Gupta

.....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 & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 13th February, 2024
Date of Order: 26th February, 2024


Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The present complaint has been filed by Mr. Sorabh Gupta against BYPL-Paharganj. The brief facts of the case giving rise to this grievance are that Mr. Sorabh Gupta applied for new electricity connection vide request no. 8006568937 at premises no. 1, MM Road, 1st floor, 1/3 to 1/9, Rani Jhansi Road, Paharganj, Delhi-110055, but respondent rejected the application of the complainant on pretext of "space required for electric sub-station."

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2. OP in its reply briefly stated that the complainant is seeking a new domestic connection vide application no. 8006568937 for the first floor of property bearing no. 1, MM Road, 1/3 to 1/9, Rani Jhansi Road, Paharganj, Delhi-110055. The site of the complainant was visited and it was observed that building structure consists of basement + ground floor + four floors over it. A temporary meter having no. 17133808 was found installed. Commercial activity is being done at site. Construction plot area equals to 565 sq yards or 472.2 sq meter. The building is booked by MCD for unauthorized construction.

Reply further stated that the application of the complainant was rejected due to the existence of temporary connection having meter no. 17133808. As the total cumulative built-up area is more than 2000 sq meters, hence ESS space is required. Outstanding dues pertaining to CA No. 100491940 having pro-rata share of Rs. 6225/-. The site is booked by MCD for unauthorized construction as per the record available on MCD website as on 01.12.2023, in the shape of deviation/excess coverage against SBP no. 240/OL/B/HQ/NDMC/2015 dated 11.08.2017, at basement, stilt, ground floor and first floor. Therefore, the complainant is required to submit a building completion certificate or NOC in lieu thereof issued by MCD. Also, complainant has applied for wrong category as commercial activity is going at site.

Further, as per latest amendment, the requirement of buildup area stands enhanced to 200 sq meter or plot size of 600 sq meter or more. According to the sale deed placed on record, it is evident that land measuring 1.47 acres was later partitioned out of which plot no. 1, 1/3 to 1/9 measuring 1112.5 sq yards or 930 sq meters fell under the executive share and ownership of Sh. Rakesh Kumar. The said land had two wings and the complainant sold plot of 465.08 sqm. Taking into consideration the floors built thereon, the total built up area comes out to be more than 2000 sq meter. Hence in terms of 7th amendment ESS space is needed.

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The calculation is as under:-

Constructed plot area = 565 sq yards/472.4 sq meter

Total cumulative built up area $472.4 \times 5 = 2362 + 207$ (area of 4th floor) = 2571 sqm approx.

3. Counsel of the complainant in his rejoinder stated that property bearing no. 1, MM Road, 1/3 to 1/9, Rani Jhansi Road, Paharganj, Delhi-110055 is having area measuring 465.08 sq yards approx and this plot is constructed in two parts and as per registered sale deed dated 29.06.2021, the area is 229.535 sq meter is on basement, ground, first, second floor. Third floor is measuring 154.3353 sq meter. Same is also mentioned in MCD site plan, the covered area of the said property of basement, ground, first, second is 213.04 sq meters each and third floor have covered area 137.84 sq meters which is exempted as per law for common use. The total covered area of the said property is 1202 sq meters.

Regarding MCD objection, the counsel of the complainant also submitted completion-cum-occupancy certificate dated 26.12.2023 vide file/plan no. 10117396 alongwith approved map.

4. In the present case, the application of the complainant, OP rejected the application on two basis, first the building is booked by MCD and another the plot size is more than 600 sq meters therefore, ESS space is required.
5. Regarding the first objection of OP, the complainant has filed Building completion certificate from MCD.

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6. Regarding other objection of OP, the relevant Regulations are stated here Regulation 22 of DERC (Supply Code and Performance Standards) Regulations 2017 for Space for installation of Grid Sub-station, transformers, service line, meter and other equipment:-

(1) The developer/applicant taking supply at Low Tension level for any new premises or for re-constructed premises, requiring LT Service connections whose:

(i) total cumulative demand of all floors in the plot/ building for LT service connection exceeds 100 kW/108 kVA; or

(ii) total cumulative built up area of the premises in the plot/building exceeds 2000 sqm; or

(iii) plot of size above 600 sqm or above;

shall provide the space for installation of distribution transformers, as per the required load:

Provided that the minimum space required to be provided by the developer/applicant for installation of distribution transformers/ equipment shall be as per circular no. South DMC/0148/SE(B)HQ/Addl. ComI/17 dated 30.03.2017 notified by South Delhi Municipal Corporation or as amended from time to time, annexed at Schedule I:

Provided also that if the required space is not provided by the applicant or the developer, the distribution Licensee may refuse the grant of additional load: Provided also that the consumer taking supply at LT voltage level, irrespective of its sanctioned load or the contract demand as the case may be, shall also provide the space to the licensee for installation of meter, and part of service line up to the point of supply, to the extent that would fall within his premises.

[Explanation: For the purpose of this sub-clause, the built-up area shall be as specified in the plan approved by the authorized agencies. In case, built-up area is not specified in the approved plan, the built up area shall be taken as the carpet area plus the thickness of outer walls and the balcony]

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7. As per MCD approved plan placed on record the total plot area is 742.063 sq meter. And as per above stated DERC Regulation the plot area should be less than 600 sq. meters.
8. Therefore, we are of considered opinion that since the plot size is above the permissible limit, therefore the complainant has to fulfill DERC Regulations required and have to provide space for ESS.

ORDER


The complaint is rejected. For release of new electricity connection, the complainant has to fulfill required commercial formalities as per DERC Guidelines 2017 and has to provide space for ESS.

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


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER

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