



C A No. Applied For
Complaint No. 275/2023

In the matter of:

Sudarshan Kumar AroraComplainant

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. Nishikant Ray, Counsel of the Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 22nd August, 2023
Date of Order: 28th August, 2023

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

1. This complaint has been filed by Mr. Sudarshan Kumar Arora against BYPL-CCK.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Sudarshan Kumar Arora applied for new electricity connection vide request no. 8006304343.

S.R. Khan *Secy* *ly* *H*

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CGRF (BYPL)

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at premises no. H.No. D-553-554, New and old 637 pvt. Shop no. 14, Shahdara Market Lahori Gate, Delhi-110006, but respondent rejected the application of the complainant for new connection due to fire safety clearance required for building height more than 15 meters or having ground plus five floors (commercial building) and premises also locked, but complainant alleged that said reason is wrong as his property is constructed ground floor to 4th floor and building height is 15 meters.

3. OP in its reply briefly stated that the complainant is seeking new electricity connection on the second floor of premises bearing no. 553-554 new and old no. 637, pvt. Shop no. 14, Shradhanand Market, Lahori Gate, Delhi-110006. The complainant applied for new connection vide order no. 8006304343 under non-domestic (NX) category for 1 KW which was rejected as the building consists of ground plus five floors over it and hence building height is more than 15 meters. As per DERC Regulations, fire safety clearance is required for buildings having height greater than 15 meters.

OP further submitted that building in issue is a commercial building and as per site visit report ground floor to second floor is fully commercial and on third floor is used both for domestic as well as for commercial purposes. Fourth and fifth floors are fully domestic. Thus building is fully commercial.

4. Representative of the complainant submitted his rejoinder rebutting therein the contentions of the respondent as averred in their reply and submitted that fire clearance certificate is not required as the building is below 15 meters height. He further submitted that he applied for new electricity connection for ground floor therefore; NOC from fire department or building completion certificate is not required.

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5. LR of the OP submitted that as per DERC Regulations 2017, since the building where new electricity connection is sought is mixed premises and the height of the building is more than 15 meters therefore new electricity connection cannot be granted to the complainant without fire clearance certificate.
6. As far as legal position is confirmed according to 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.


ORDER

Complaint is rejected. We are of considered opinion that building is mix type where shops are on the ground till second floor and residential on other floors and for release of new connection the Fire clearance is required.


The case is disposed off as above.

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


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER

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