



C A No. Applied for
Complaint No. 94/2023

In the matter of:

Firoz Ali & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Firoz Ali, Complainant
2. Ms. Ritu Gupta, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 11th April, 2023

Date of Order: 19th April, 2023

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by Mr. Firoz Ali & Others against BYPL-KRN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Firoz Ali & Others applied for new electricity connection at premises no. 16, UGF, Gali No. 4-B, Aram Park, Shastri

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Secretary
CGRF (BYPL)

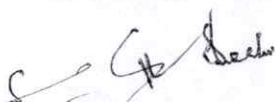


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Nagar, Delhi-51 vide request no. 8006125593, 8006125606, 8006125597 and 8006125652 but respondent rejected his application for new connection on the pretext that fire safety clearance required for building height more than 15 meters or having ground plus four floors including mezzanine floor (business building).

3. The OP in their reply briefly stated that the complainant applied for four fresh new electricity connections for property no. 16, Gali No. 4-B, Aaram Park, Shastri Nagar, Delhi-110031 vide application no. 8006125652, 8006125593, 8006125606 and 8006125597 at UGF, FF, SF and TF respectively all under commercial category. On receipt of application the premises of the complainant were inspected and at the time of inspection it was found that the height of the subjected premises is more than 15 meters, therefore fire clearance certificate is required or Buildign Completion Certificate is required. Also it was found that building structure is basement plus ground floor plus upper ground floor plus four floors on it and the building is commercial in nature. OP further added that regarding connections granted through CA No 153862258, 153862260, 153862256, 153862268, 153862263, 153863986 and 153864006 were granted in a building in Laxmi Nagar on the basis of architect certificate provided by duly MCD approved architect. The said building at the time of grant of new connections existed of ground plus four floors.
4. The complainant argued that respondent has taken height of his building including the basement whereas the height of any building is taken into consideration only till ground level; basement is never counted while taking the height of building. He further submitted the respondent is being biased in releasing him new connection whereas they have released new connections in a building in Laxmi Nagar which is also commercial and height is more than 15 meters.

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5. The LR of the OP submitted that they have released the new connections in Laxmi Nagar on the basis of architect certificate provided by duly approved architect by MCD. The complainant should also submit the BCC from MCD for release of new connection or fire clearance from the fire department. Since the complainant's building is totally commercial therefore, architect certificate would not work in case of the complainant.
6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that the building where the complainant applied for new connection is commercial building and height of the building is more than 15 meters therefore, as per DERC Rules and Regulations the complainant has to provide fire clearance certificate or Building Completion Certificate for release of new connection.
7. The complainant has raised the objections regarding the fact that OP has given several connections in other building and neighboring buildings in violation of Rules and Regulations. In this regard, **Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."**

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8. In the facts and circumstances we are of considered opinion that respondent has rightly rejected the application of new connection.


ORDER


The complaint is rejected. The Respondent has rightly rejected the application of the complainant for new connection.


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


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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