



C A No. Applied For
Complaint No. 90/2021

In the matter of:

Laxmi Narayan

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Pawan Saini, A.R. of the Complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 10th September, 2021

Date of Order: 14th September, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new electricity connection but the respondent rejected his application for new connection.

It is also her submission that she applied for new electricity connection at 686-E-1, Ground Floor, Gali No. 3, Punjabi Basti, Baljeet Nagar, New Delhi vide request no. 8005018443 dated 22.07.2021, which the respondent company rejected on the pretext of building height more than 15 meters and also energy

Harshali

Imran

Shweta

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dues pending at same site. Therefore, he requested the forum to direct the respondent company for release of new connection.

Notices were issued to both the parties to appear before Forum on 10.09.2021.

The respondent company submitted their reply stating therein that complainant sought new electricity connection for domestic purpose vide application no. 8005018443 at 686-E-1, GF, Gali No. 3, Punjabi Basti, Baljeet Nagar, Delhi-10005. During site visit dated 22.07.2021, it was found that height of the building wherein he new electricity connection applied is of 16.20 meters having GF+FF+SF+TF+4th F+5th F. Commercial activity running at 3rd floor+4th floor for sewing cloths. Earlier on meter no. 70093754 under NX category was installed at third floor but same was disconnected due to non-payment of dues amounting to Rs. 73518/- on dated 02.08.2021.

Respondent further submitted that commercial activities are found at the applied building, so, 6th Amendment of DERC is not applicable for this connection. For buildings having height of more than 15 meters, in terms of Supply code 2017, a fire Clearance Certificate is required. It is also their submission that two domestic meters (25204585 & 35212692) exists on the applied building and both the connections were installed on 20.08.2011 and 14.09.2016 respectively.

The matter was listed for hearing on 10.09.2021, when it was found that this is a case of connection in mix building and respondent has raised objection that some commercial activity is going on third and fourth floor and refused the connection. But as per the direction of the Hon'ble High Court, in the case of Mr. Amiro connection is granted on the mezzanine floor. Respondent was also directed to release the connection upto 15 meter as per law in mix buildings (commercial and residential). Arguments of both the parties were heard and matter was reserved for orders.

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We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that the complainant applied for new domestic electricity connection on the ground floor of the subjected premises. Respondent submitted that some commercial activity is going on the third and fourth floor of the premises and also have commercial connection but the NX connection has been disconnected for non-payment of dues. The respondent asked for energy dues amounting to Rs. 73518/- of third floor but later on the said dues were withdrawn by the respondent because the dues pertains to the third floor of the premises and complainant applied for new connection at the ground floor of the premises.

Respondent submitted that NX connection through which sewing work was being done has now been disconnected and it is a residential building and in present no commercial activity is being conducted in the said premises, as per respondent's record. Respondent also submitted that the flat of the complainant where he has applied for new connection have no pending dues against it.

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.

Before the Hon'ble High Court Delhi in writ Petition no. 478/21 order dated 06.05.2021, Mr. Abdul Amiro Vs. Govt. of NCT of Delhi, Justice Sanjeev Sachdeva, petition filed by the petitioner that respondent has refused to grant electricity connection on building height more than 15 meters under NX category on the mezzanine floor in shop no. 356, Katra Budhirajan, Darya Ganj, in White Rose Apartments, respondent is directed to release the connection after fulfilling all the codal formalities as per DERC Guidelines.

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We are of considered opinion that the building is residential and the complainant applied for new connection on the ground floor and no commercial activity is going on and the NX connection of third floor has already been disconnected as per the respondent's record. So, we direct the respondent

Respondent is directed to release the domestic connection applied on the ground floor of the said premises after fulfilling all the commercial formalities as per DERC Guidelines 2017 and this connection is within the preview of sixth amendment dated 15.04.2021.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRE.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN