



C A No. Applied for
Complaint No. 216/2022

In the matter of:

Mohd DilshadComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Ms. Akhtari, Wife of the complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Mr. Sachin Dubey, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 03rd January, 2023
Date of Order: 04th January, 2023

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

1. This complaint has been filed by Mohd Dilshad against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that complainant Mohd Dilshad applied for new electricity connection at premises no. old no. 1310/1, H. No. 1310-A, Kh. No. 59, 3rd floor, Gali no. 41, Jafrabad, Seelampur, Delhi-110053 vide application no. 8005837115

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but respondent rejected his application for new connection on the pretext of that already four connections are installed at applied premises and further a domestic meter is not feasible in the same premise due to no separate dwelling unit.

3. The respondent in reply briefly stated that complainant applied for new electricity connection at premises no. 1310/1, third floor, Jafarabad, Delhi. The new electricity connection were applied by the applicant vide request no. 8005837115. During site inspection it was found that height of the building wherein the new electricity connection applied is more than 15 meters having GF to 3rd floor and each floor have one dwelling unit. Also there are four electricity connections having meter nos 55328702, 70277105, 55174248 and 55253211. That for building having height more than 15 meters without stilt parking as in terms of Supply code 2017, a fire clearance certificate is required.

OP further submitted that the building is owned and occupied by members of same extended family. As per site visit it appears that the complainant wants connection for a room on third floor. For said third floor which is effective fifth floor certificate of MCD approved architect is required in respect of height of floor/building failing which no new electricity connection can be granted.

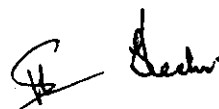
4. Heard both the parties and perused the record.
5. The issue in this matter is can new connection be released in the premises where the height of the building is more than 15 meters.


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6. Heard the arguments of Representative of the complainant and OP-BYPL. Representative of the complainant has submitted Architect Report dated 12.12.2022 which clearly mentions that the total height of the building no. 1310-A, 3rd floor, old no. 1310/1, Kh. No. 59, Gali No. 41, Jafrabad, Delhi-110053, from road level upto fourth floor is under 15.0 meter and is accordance with the building bye laws.
7. In this record, LR of OP submitted that in view of the architect report submitted by the complainant they are ready to release the connection of the complainant.
8. As far as legal position is confirmed according to 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.
9. Also, Water and electricity are integral part of right to life. Hon'ble Supreme Court in the case of Dilip (Dead) LR vs Satish, SCC online SC810 dated 13.05.2022 has held that "electricity is basic amenity which a person cannot be deprived off".
10. Brief facts necessary for disposal of this complaint are that building height of H.No. 1310-A, 3rd floor, old no. 1310/1, Kh. No. 59, Gali No. 41, Jafrabad, Delhi-53 is under 15.0 meter and is ⁱⁿ accordance with the building bye laws.



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11. Therefore, we are of the opinion that the new connection to the complainant should be released as the only objection of the OP regarding height of the building is removed by the complainant by submitting architect site inspection report.


ORDER


The complaint is allowed. OP is directed to release the new connection to the complainant as per above stated directions and completion of all the necessary commercial formalities.

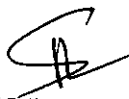
The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.

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


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN