



C A No. Applied For
Complaint No. 60/2020

In the matter of:

DevkiranComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Advocate Karan Arora, for the complainant
2. Mr. Imran Siddiqi & Ms. Ritu Gupta, on behalf of BYPL

ORDER

Date of Hearing: 18th November, 2020

Date of Order: 27th November, 2020

Order Pronounced by:-Dr. Harshali Kaur, Member (CRM)

Briefly stated facts of the case are that the complainant applied for an electricity connection for her premises. She filed the present complaint when the Respondent Company did not energize her connection and rejected her application on account of her building's height being more than 15/17.5 m.

The complainant in her complaint states that she is the owner of the 1st Floor which is within the 15/17.5 m. height allowed as per law, hence is entitled to a new connection. She alleges that the Respondent Company has granted several connections to various buildings which are beyond the prescribed limits.

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She has also given the addresses of the same in her complaint. Aggrieved by the pick and choose policy she has filed the present complaint before this Forum, praying for direction to the Respondent Company to issue Demand Note for her connection and release of connection without further delay, penalty for said delay, enquiry into their alleged pick & choose policy etc. The Complainant has annexed copy of the sale deed of her premises, acknowledgement of connection request dated 11.06.2019 issued by the Respondent Company, photographs and several bills of other consumers.

Notice was issued to the Respondent Company, who appeared on date fixed and filed their reply. It was directed by this Forum that the office send a copy of said reply to the Complainant. The counsel who appeared for the Respondent Company stated that there were three issues with the complainant's property, namely the property was booked by EDMC, there was an issue of dues transfer and also fire clearance certificate was required to be resolved before the complainant's electricity connection could be provided.

In their written statement the Respondent Company have clarified that undoubtedly the complainant has applied for a new electricity connection vide order No.8003923578 at 137, 1st Floor, Kh. No.490/106, Lal Dora Village, Patparganj, Delhi-110091. When the officials of the Respondent Company were processing the new electricity connection, applied for by the Complainant for her premises, the height of the building, where the connection was to be granted was found to be 19 m, which is clearly more than the allowed 15 m. without stilt parking.

Further, as stated in the reply by the Respondent Company the building has also been booked by EDMC and occupancy cum completion certificate has also not being provided by the Complainant. Due to the height being more than 15 m. without stilt parking the Respondent Company as per DERC Guidelines also required a Fire Clearance Certificate. The DERC Notification dated 31.05.2019 clearly provides in Clause 4.4.3 (A) of MPD, 2021 as follows:-

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"Maximum height of the building shall be 15 m in plots without stilt parking and 17.5 m in plots with stilt parking. Such residential building shall not be considered as high rise building. For purpose of fire and life safety requirements, clearance of Fire Department will be obtained by the individual plot owner".


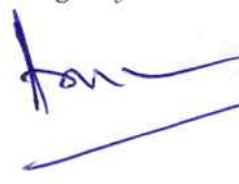
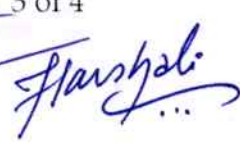
- That in terms of Supply Code, 2017 Fire Clearance Certificate is required. The relevant provision of the Supply Code, 2017 is reproduced herewith for ready reference.

"Wiring in the premises of the consumer: All multi- storied buildings, having a height of more than 15 meters from ground level shall also comply with Clause 36 of the Central Electricity Authority (measures relating to safety and electric supply) Regulations, 2010 and amendments thereof"

Clause 36 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010:

36. Provisions for supply and use of electricity in multi-storyied building more than 15 meters in height.

1. *"The connected load and voltage of supply above which inspection is to be carried out by an Electrical Inspector for a multi-storied building of more than fifteen meters height shall be notified by the Appropriate Government".*
2. *"Before making an application for commencement of supply or recommencement of supply after an installation has been disconnected for a period of six months or more the owner or occupier of a multi-storeyed building shall give not less than thirty days notice in writing to the Electrical Inspector specify therein the particulars of installation and the supply of electricity shall not be commenced or recommenced within this period without the approval in writing of the Electrical Inspector".*
3. *"The supplier or owner of the installation shall provide at the point of commencement of supply a suitable isolating device with cut-out or breaker to operate on all phases except neutral in the 3-phase, 4-wire circuit and fixed in a conspicuous position at not more than 1.70 meters above the ground so as to completely isolate the supply to the building in case of emergency".*

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4. *"The owner or occupier of a multi-storeyed building shall ensure that electrical installations and works inside the building are carried out and maintained in such a manner as to prevent danger due to shock and fire hazards and the installation is carried out in accordance with the relevant codes of practice".*
5. *"No other service pipes and cables shall be taken along the ducts provided for laying power cables and all ducts provided for power cables and other services shall be provided with fire barrier at each floor crossing".*

And it is for the above reasons that the complainant's electricity connection could not be released. The Respondent Company has annexed the Inspection Report dated 12.06.2019 with their reply to substantiate their averments. The latter also filed the EDMC letter regarding booking of premises.

On the next date of hearing i.e., 18.11.2020, which was fixed for filing Rejoinder by the Complainant, the Counsel for the Complainant sought liberty to withdraw the present complaint verbally after seeking directions from his client, the Complainant. However, it was directed by the Forum that the Complainant or Counsel for the Complainant file a written application for the same, which the Complainant did on 19.11.2020 with due signature, stating that she did not want to pursue the present complaint any further and she be allowed to withdraw her complaint.

Under the circumstances, the Forum finds it prudent to dismiss the complaint as withdrawn. Copy of this order be supplied to both the parties after which file be consigned to Record Room.


(HARSHALI KAUR)
MEMBER(CRM)


(VINAY SINGH)
MEMBER(LEGAL)


(ARUN P. SINGH)
CHAIRMAN