



C A No. Applied For
Complaint No. 24/2021

In the matter of:

Vinod GuptaComplainant

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. Mr. Vinod Gupta, Complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 22nd March, 2021

Date of Order: 24th March, 2021

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

Briefly stated facts of the case are that the complainant applied for new connections, but the respondent company rejected his applications for new connection.

It is also his submission that he is residing at W-42, Main Road Babarpur, Near Bhagat Singh Gali, Delhi-110032 and applied for one new connection vide application number 8004708470 and load enhancement from 5 KW to 25 KW

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vide application no. 8004708474. But the respondent company rejected his applications for new connection on the pretext of building height more than 15 meters and as per DERC guidelines Fire Clearance Certificate is required.

It is also his submission that he submitted License from NCT of Delhi for working lift, but still the respondent has not released the new connection till date. Therefore, he requested the Forum to direct the respondent company for immediate release of the demand note.

Notices were issued to both the parties to appear before Forum on 09.03.2021.

The respondent company submitted their reply submitted therein that complainant applied for new electricity connections for commercial building vide order no. 8004708470 at W-42, Main Road Babarpur, Near Bhagat Singh Gali, Delhi-110032. It is further added that during processing of aforementioned new electricity connection the building wherein the connection was applied the height of the building found to be 16.50 meters which is more than 15 meters, and the building is commercial hence a fire clearance certificate is required.

During hearing on 09.03.2021, the respondent submitted their reply and copy of same was given to the complainant. The complainant also wants to file rejoinder, respondent was also directed to submit three number commercial connection details.

The matter was finally heard on 22.03.2021, when complainant filed his rejoinder. Respondent also submitted that they require fire clearance certificate for release of the connection. Arguments of both the parties were heard and matter was reserved for orders.





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The complainant submitted his rejoinder refuting therein the contentions of the respondent company as averred in their reply and submitted that Delhi Fire Service Act, 2007 (Delhi Act 2 of 2009) Page No. 12, Point 27, under Residential buildings or Business Buildings. The complainant also submitted DERC Guidelines for release of new connection where building height is more than 15 meters. He further added that already connections in the same building have been granted by the respondent.

Complainant further submitted before the Forum that he wants that existing single phase connection should be converted into three phase connection.

Forum has heard the matter on 09.03.2021 and again on 22.03.2021.

When the complainant approached the respondent regarding the new connection in the said premises, respondent refused the connection on the pretext of height of the building which is 16.50 meters and the lift certificate from the Government of Delhi NCT.

The complainant had approached the government of Delhi NCT for lift installation certificate which the complainant has submitted to the respondent as it is filed along with the complaint before the Forum.

Respondent raised objection that the height of the building is more than 15 meters, in which fire clearance certificate is required because it is a commercial building.

The notification of DERC vide no. F.17(85)/Engg./DERC/2016-17/5403/487 dated 31.05.2019 is only for residential building and not for commercial buildings in which it clearly clarifies that 17.5 meter height of the building alongwith stilt building only for residential purpose, not for commercial purpose. The relevant portion is mentioned below:

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4. DISCOMs have also informed that the buildings are being constructed in Delhi with stilt parking Clause 4.4.3 of the MPD 2021, the maximum height of a building in a residential plot plotted housing is mandated is as under:

"Height: Maximum height of the building shall be 15 M in plots without stilt parking and 17.5M 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."

5 Hon'ble High court of Delhi in its judgment dated 29.05.2003 in CWP 27/10/1998 and CM 4780/2003 in the matter of Dr. B.L. Wadhwa Vs. Govt. of NCT of Delhi and Ors. has directed that in all high rise buildings in Delhi and New Delhi fire safety measures are to be adhered to.

Delhi Fire Service Rules, 2010 under Delhi Fire Service Act, 2007 (Delhi Act 2 of 2009) relevant portion is narrated below:-

27. Classes of occupancies likely to cause a risk of fire. occupancies for the purposes of sub-section

(1) of section 25 of the Act shall be construed to likely cause a risk of fire, namely:-

(1) Pandal having seating capacity more than 50 persons or covered area more than 50 square meters.

(2) Residential buildings (other than hotels and guest houses) having height more than 15 meters or having ground plus four upper stories including mezzanine floor.

(3) Hotels and guest houses having height more than 12 meters having ground plus three upper stories including mezzanine floor.

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- (4) Educational buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (5) Institutional buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (6) All Assembly buildings.
- (7) Business buildings having height more than 15 meters or having ground plus four upper stories including mezzanine floor.
- (8) Mercantile buildings having height more than 9 meters or having ground plus two upper stories including mezzanine floor.
- (9) Industrial buildings having covered area on all floors more than 250 square meters.
- (10) Storage buildings having covered area on all floors more than 250 square meters.

After going through all the aspects of the case that the complainant has applied for single phase connection to three phase connection and a new connection which the respondent has raised objection regarding the building height and lift installation certificate. The complainant has already deposited the lift installation certificate of Govt of NCT of Delhi but as per requirement of Fire Clearance Certificate from fire department is still not submitted by the complainant. The respondent's demand of fire clearance certificate is genuine because this building height is more than 15 meters and with stilt parking is 16.50 meters. But as per DERC notification dated 31.05.2019 the fire clearance certificate is required if the residential building height without stilt parking is 15 meters and with stilt parking 17.5 meters but in the present case the complainant has a commercial building and wants commercial connection so, the building height of more than 15 meters is required fire clearance certificate for the safety of life of a person and property, as Fire Service Act 2010 and DDA building Bye-Laws 2016 and Urban Building bye-laws.

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Now, we are of considered opinion that

- Respondent is directed to convert single phase connection of the complainant to three phase connection.
- Whenever, the complainant files the fire clearance certificate and fulfilling all the commercial formalities, the respondent is directed to release the new connection as per DERC Guidelines 2017.

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 CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN