



**C A No. Applied For**  
**Complaint No. 54/2020**

In the matter of:

Upendra Singh.....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. No one, for the complainant
2. Mr. Imran Siddiqi & Mr. Prashant Tikadar, on behalf of BYPL

**ORDER**

Date of Hearing: 19<sup>th</sup> October, 2020

Date of Order: 10<sup>th</sup> November, 2020

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

Briefly stated facts of the case are that the complainant applied for new electricity connections vide order Nos. 1024446899, 1024446900, 1024446901, 1024446902, 1024446903, 1024446904, 1024446905 and 1024446906 at his premises at 12/10, Gali No.2, Saket Block, Mandawli Fazalpur, Near Surya Public School, Delhi-110 092.

The complainant has filed the present complaint before this Forum against the Respondent alleging that despite applying for new connections and paying the

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amount generated of the demand notes which were issued by the Respondent Company and which they duly received; the Respondent Company have not released the new connections. Hence the complainant filed the present complaint praying for release of the new electricity connections at his premises. The complainant has annexed the copies of the demand notes issued by the Respondent Company and payment slips generated by them with his complaint.

Notice was issued to the Respondent Company who appeared on date fixed and filed their reply. Copy of the same was supplied to the complainant. In the reply the respondent states that complainant applied for new electricity connection vide order No.8004321085 at address 12/10, Gali No.2, Saket Block, MandawliFazalpur, Near Surya Public School, Delhi-110 092. As per site visit inspection was conducted on 23.01.2020, the building height was found to be 16.20 meter with ground plus four, building structure. Since there were no negative observations demand notes were issued and were undoubtedly paid by the complainant. But, when the aforementioned site was cross verified it was found that the Ground floor had flats for habitation instead of stilt parking and as the height of the building was more than 15 m, a fire clearance certificate was required. This was in keeping with and as per the terms of Supply Code, 2017. Accordingly, the release of the electricity connections was stopped and a letter of refund of Demand Note dated 04.02.2020 was sent to the complainant. The respondent has also added that the field executive who had made the faulty site visit report also resigned during the period. Officials of the Respondent revisited the site on 14.09.2020 and found flats for residential purpose instead of space for stilt parking at the ground floor which was a contravention of the provisions of Clause 4.4.3 (A) of MPD 2021 and as per clarification by DERC as given below:

*"The owner or occupier of a multi-storied 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"*

*Vm*  
*2 of 3*  
*Shankar*

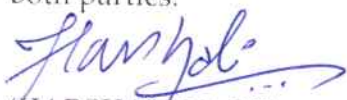
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The Respondent annexed the copy of aforementioned notification dated 31.05.2019 in their reply as well as copy of demand note refund vide CA No. 153040600, 153040594, 153040596, 153040598, 153040599, 153040601, 153040597, 153040595) dated 04.02.2020. The respondent also filed copy of site visit dated 14.09.2020 and 23.01.2020 along with their reply.

We heard both parties on 05.10.2020 when they appeared before us. Counsel for the complainant Mr. Afzal Ahmed and Mr. Imran Siddiqui and Mr. B.B. Sharma for the respondent company. Both parties argued at length to support their averments. The Forum felt it prudent to suggest that both parties try to find an amicable settlement in the present complaint. The Counsel for the complainant sought time to consult with his client.

In the interest of justice, this Forum allowed his prayer and adjourned the instant case giving a short date and fixed the next date on 19.10.2020. On the date fixed no one appeared for the complainant. However, the Forum received via e-mail an application from the counsel for complainant wherein the complainant sought withdrawal of the present complaint as at present he was not in possession of required documents with him. He prayed for allowance of withdrawal of the complaint with liberty to file a fresh complaint with proper documents. Copy of the same was supplied to the respondent and also placed on record.

Under the circumstances, this Forum allows the complaint's prayer for withdrawal of complaint to file afresh if needed. It is further directed that the respondent company refund the amount of the demand notes erroneously received by them to the complainant by DD or cheque within 5 days of receipt of the copy of this order. No order as to cost. Copy of this order be supplied to both parties.

  
(HARSHAT KAUR)  
MEMBER(CRM)

  
(VINAY SINGH)  
MEMBER(LEGAL)

  
(ARUN P. SINGH)  
CHAIRMAN