

Consumer Grievance Redressal Forum  
FOR BSES YAMUNA POWER LIMITED  
(Constituted under section 42 (5) of Indian Electricity Act. 2003)  
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,  
Shahdara, Delhi-110032  
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SECY:CHN 015/08NKS

**CA No. Applied for**  
**Complaint No. 20/2020**

**In the matter of:**

Anil Kumar Gupta .....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. N.K. Ray, Counsel for the complainant
2. Mr. Imran Siddiqi, Mr. Prashant Tikadar, Mr. Jagatheesh Kannan & Mr. B.B. Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 24<sup>th</sup> July, 2020  
Date of Order: 29<sup>th</sup> July, 2020

**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 connections.

It is also his submission that he applied for nine new connections vide request number 8004294862, 8004298539, 8004297966, 80042948663, 8004294260, 8004294860, 8004297638, 8004295743 and 8004294261 and all these requests were

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*Vinay*

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rejected by the BYPL due to pole encroachment. He further submitted that he is having full stilt parking at the ground floor of the premises which is as per DERC Regulations. He also added that the electricity pole which the respondent mentioned in their deficiency letter is installed near the corner of his building and he has also left the sufficient space for the electricity pole.

Therefore, he requested the Forum to direct the respondent company for immediate release of his all the nine connections.

Notice was issued to both the parties to appear before the Forum on 17.07.2020.

Respondent company submitted their reply stating therein that the nine new electricity connections were applied by the complainant Sh. Anil Gupta S/o Sh. R.P. Gupta R/o H-113A, H block, Shakarpur, vide request no. 8004294862, 8004298539, 8004297966, 80042948663, 8004294260, 8004294860, 8004297638, 8004295743 and 8004294261. The site of the complainant was visited and it was found that complainant has encroached the electricity pole of the respondent at his premises. This construction/extension is not only illegal and causing grave and serious threat to public safety.

It is further added that said construction is in total violation and contravention of the provisions of Act and Electricity Rules 1956 which lays down the clearance of the area from the poles/wires for safety of public and smooth functioning of the supply system. Additionally, respondent is not able to maintain/repair the service line/pole etc. which may result into failure/outage in the supply of electricity for which the company is not responsible in any manner.

Respondent further stated that they also issued a letter cum notice dated 27.02.2020 to the complainant calling upon him to remove the projection/balcony/construction in line and conformity with the rules as stated above.

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The matter was heard on 11.03.2020, 17.07.2020 & 24.07.2020, when respondent submitted their reply alongwith photographs and raised objection regarding encroachment of pole, but the complainant submitted that the pole is not in his premises. To avoid confrontation, it was directed that a joint inspection be conducted by both the parties on 20.07.2020.

Both the parties conducted site visit on 20.07.2020, and respondent company submitted site inspection report which is narrated below:

*The pole and service line condition was same as earlier. The complainant has encroached the electricity pole.*

*The service line and pole which supplies to electricity to many households has no clearance at all from the subject property.*

*The DB is stuck between walls duet o unauthorized structure. Our lineman was unable to attend NCC and in future if the pole damaged by any unknown means we cannot replace.*

*The clearance above pole should be done by the owner and horizontal clearance of 1.2 meter is required.*

The main issue in the present case is whether the connections can be released when the pole is encroached by the complainant.

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 objection of the respondent is Encroachment of network pole, which is regarding distance from the building. The respondent also quoted Section 60 of the Central Electricity Authority (Measures relating to safety and electric supply) Regulations, 2010 which is stated below:-

**60. Clearance from buildings of lines of voltage and service lines not exceeding 650 volts.**-(1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.

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(2) Where an overhead line of voltage not exceeding 650 V passes above or adjacent to or terminates on any building, the following minimum clearances from any accessible point, on the basis of maximum sag, shall be observed, namely:-

(i) for any flat roof, open balcony, verandah roof and lean to roof -

(a) when the line passes above the building a vertical clearance of 2.5 meters from the highest point, and

(b) when the line passes adjacent to the building a horizontal clearance of 1.2 meters from the nearest point, and (ii) for pitched roof-

(a) When the line passes above the building a vertical clearance of 2.5 meters immediately under the line, and

(b) When the line passes adjacent to the building a horizontal clearance of 1.2 meters.

(3) Any conductor so situated as to have a clearance less than that specified above shall be adequately insulated and shall be attached at suitable intervals to a bare earthed bearer wire having a breaking strength of not less than 35 kg.

(4) The horizontal clearance shall be measured when the line is at a maximum deflection from the vertical due to wind pressure.

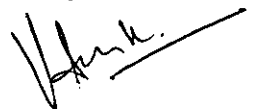
(5) Vertical and horizontal clearances shall be as specified in Schedule X.

The condition of wire and service cables are very shabby and it can cause danger to human being, animal and property as decided by Hon'ble High Court in Om Prakash v/s Govt of NCT and others (BYPL) and other by justice Sh. V.K. Jain in the year 2013 regarding Regulations 16 of central electricity authority measure related safety and security act 2010 "to the extent it's relevant require of supplier of electricity to provide and maintain on consumer premises suitable earthen and terminal in an accessible position or near point of commencement of supply regulators, section 12 of the Regulation to the extent it's relevant provides that all' the electric lines and apparatus shall be constructed, maintained in such manner as to ensure safety of human being, animal and property.





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Again in Hon'ble Delhi High court in case Kimti Lal Rahi v/s union of India and other (49)1993 dlt56 "it's well settled law that one who claim equity must do equity estoppel spring from the equity doctrine "the picture of the building filed by respondent wire and service cable hazardous to the life of human being, animal and property it's duty of respondent to maintain and provide a connection as per law relating to safety and security and maintain them.

The complainant also approached the DERC before approaching the CGRF. DERC in their letter dated 24.02.2020 directed the complainant as follow:

"the electricity distribution network including poles are installed by the Distribution licensee as per the applicable rules and regulations. Further, the minimum distance has been specified by CEA (Measures relating to safety and Electric Supply) Regulations, 2010 as amended from time to time. The copy of CEA Regulations is available on CEA website i.e. [www.cea.nic.in](http://www.cea.nic.in)."

We have gone through the submissions made by both the parties. From the narration of the facts and material placed before us, we are of the opinion

- 1 The complainant shall remove all the objections raised by the respondent and provide adequate space to the respondent for releasing/granting the connections. Thereafter, the respondent is directed to release the connections as per the DERC Regulations 2017.
- 2 Respondent is further directed to maintain the service cable, wires which seems to be hazardous in your areas for the safety and security of human being, animal and property

The case is closed with above directions.

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.

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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)

  
(ARUN P SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)  
29-7-20