

**C A No. Applied For**  
**Complaint No. 162/2023**

**In the matter of:**

Mehar Singh .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

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

**Appearance:**

1. Mr. Mehar Singh, Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Seema Rawat, On behalf of BYPL

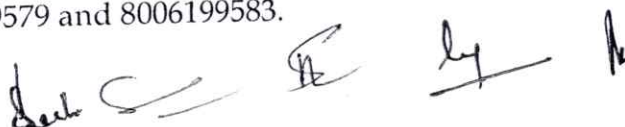
**ORDER**

Date of Hearing: 13<sup>th</sup> July, 2023  
Date of Order: 17<sup>th</sup> July, 2023

**Order Pronounced By:- Mr. H.S. Sohal, Member**

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CGRF (BYPL)

1. This complaint has been filed by Sh. Mehar Singh, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Mehar Singh applied for new electricity connection vide request no. 8006199599, 8006199591, 8006199562, 8006199570, 8006199576, 8006199579 and 8006199583.



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It is also his submission that he applied for new connections at his premises no. B-31, Gali No. 13, Gurudwara Road, Mandawali Fazalpur, Delhi-92 but respondent rejected his applications for new connection on the pretext of MCD NOC or completion and occupancy certificate required, BYPL pole also found encroached upon by applicant.

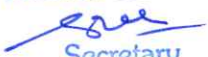
3. The respondent in reply briefly stated that the complainant is asking for new electricity connections for various floors of premises bearing no. B-31, Gali No. 13, Gurudwara Road, Mandawali Fazalpur, Delhi. OP further added that the applications of new connection by the complainant were rejected on account of pole encroachment and want of NOC from MCD for the fourth floor onwards on account of height of the building or architect certificate of MCD approved architect in lieu of thereof. The building structure consists of ground plus four floors over it. The said building already has five electricity connections and the last connection was granted in the year 2017.

OP further added details of the already installed connections:

- a) Meter no. 55120987 installed on 29.09.2017 t GF.
- b) Meter no. 55418667, installed on 09.07.2009 at FF.
- c) Meter no. 55418668, installed on 14.06.2010 at 3<sup>rd</sup> F.
- d) Meter no. 55418669, installed on 09.07.2009 at 2<sup>nd</sup> F.
- e) Meter no. 35299968, installed on 21.03.2019 at 4<sup>th</sup> F.

4. Heard both the parties and perused the record.

5. The issue is whether the electricity connections can be released to the complainant or not, when there is improper pole clearance and building height more than 15 meters.

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6. The Authorized Representative of the complainant has argued that the pole was hit by some heavy vehicle and got tilted towards his premises and it is not encroached inside his building. He also submitted Architect Certificate in lieu other objection of OP regarding height of the building.
7. Legal Representative of BYPL has argued on basis of evidence available on record. New electricity connections cannot be given to the complainant in view of Safety Regulations in 79 & 80 of Electricity Rules 1956 and Rule 60 of Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010.
8. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.
- Provision of the Rule 79 & 80 of Electricity Rules 1956 is as follows:

S. No.	Lines/installations	Minimum vertical clearance where line is passing above a building/structure/balcony etc.	Minimum Horizontal clearance where line is passing adjacent to a building/structure/balcony etc.
1.	Low or medium voltage lines and service lines upto 650 v	2.5. meters from the highest point	1.2 meter from the nearest point
2.	High Voltage line upto and including 11,000 volt	3.7. meters from the highest point	1.2 meter from the nearest point
3.	High Voltage line above 11,000 volt and upto and including 33000 volt	3.7. meters from the highest point	1.2 meter from the nearest point
4.	Extra High Voltage line above 33000 volts	3.7. meters from the highest point (Plus 0.30 meter for every additional 33000 volts or part thereof)	2 meters (Plus 0.30 meter, for every additional 33000 volt or part thereof.

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9. Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010 is as follows:

**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.

(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, varandah roof and lean-to-roof-

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

- (b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres from the nearest point, and

(ii) for pitched roof-

- (a) when the line passes above the -building a vertical clearance of 2.5 metres immediately under the line, and

- (b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres.

(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 350 kg.

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

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5) Vertical and horizontal clearances shall be as specified in schedule-X.  
Explanation: - For the purpose of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary.

10. The factual position of the case, as apparent from the pictures and documents placed on record, the distance of premises from concerned electricity pole is not 1.2 meter as required by the above mentioned law. The pole top is encroached inside the building/terrace. There is washroom above the pole as admitted by the complainant. Though the complainant has fulfilled one objection of OP by filing Architect Certificate, regarding the other objection of the OP the complainant has to give proper clearance from the pole to get the new electricity connections released.

11. We are of the view that it is not feasible to release the new connections to the complainant in light of prevailing rules and regulations stated above. Therefore, the complainant is advised to remove the pole encroachment for release of new electricity connections.


ORDER


Complaint is rejected. OP has rightly rejected the application of the complainant for pole shifting.

**The case is disposed off as above.**


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

Proceedings closed.

  
(S.R. KHAN)  
MEMBER-TECH

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(P K SINGH)  
CHAIRMAN

  
(P.K. AGRAWAL)  
MEMBER-LEGAL

  
(H.S. SOHAL)  
MEMBER

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