



C A No. Applied For
Complaint No. 278/2023

In the matter of:

Mohd Nizam & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.s. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 03rd October, 2023
Date of Order: 06th October, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

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Secretary
CGRF (BYPL)

1. Present complaint has been filed by Mohd Nizam & Others against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Mohd Nizam and others applied for new electricity

  1 of 5 ✓

Complaint No. 278/2023

connections vide request no. 8006319354, 8006319355 and 8006319359 at premises no. R-143, SF, Laxmi Nagar, Delhi-110092 but respondent rejected his application for new connection on the pretext of 'pole inside building, but complainant alleged that pole is not inside the building and there is enough distance from the pole.

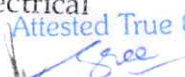
3. OP in its reply submitted that the complainant is seeking fresh electricity connection for ground floor, first floor and second floor of property bearing no. R-143, Gali No. 7, Ramesh Park, Laxmi Nagar, Delhi-110092. On 03.07.2023 site was jointly visited with O&M team and it was found that complainant had illegally shifted the pole which was encroached upon on account of illegal construction carried out at subjected premises. OP further added that temporary connection was issued on 22.12.2022 against order no. 8006074326. Complainant in total applied four times for permanent connection but all the applications of the complainant were rejected on the ground of pole encroachment.

OP further added that pole was illegally shifted which is also apparent from the pictures taken at different time by officials of respondent during site visits after application of the complainant for new connection.

OP further added that as per Regulation 60 & 61 of the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2010 and Section 53 & 68(5) read with Section 161 of the Electricity Act 2003, the following minimum horizontal and vertical clearance is required to be maintained from the electricity mains/installations for any building/structures/balconies/verandas/roof/chajja where an extra High Voltage/High Voltage or Medium Voltage line passes above or adjacent to any building or part of a building to avoid any electrical accident:





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Secretary
CORF (BYPL)
2 of 5


Complaint No. 278/2023



S.No.	Lines/Installations	Minimum vertical clearance there 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 not exceeding 650 volts	2.5 meters from the highest point	1.2 meters from the nearest point
2	High voltage line exceeding 650 volts upto and including 11,000 volts	3.7 meters from the highest point	1.2 meters from the nearest point
3	High voltage line exceeding 11,000 volts upto and including 33,000 volts	3.7 meters from the highest point	1.2 meters from the nearest point
4	Extra High Voltage line exceeding 33KV	3.7 meters plus 0.30 meter for every additional 33,000 volts part thereof	2 meters plus 0.3 meter for every additional 33,000 volts or part thereof

[Handwritten Signature]
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3 of 5
Secretary
CGRF (BYPL)

Complaint No. 278/2023

4. The counsel of the complainant rebutted the contentions of respondent and argued that the complainant has not shifted the pole illegally as alleged by the respondent. The complainant has abided and obeyed the Regulation 60 & 61 of the Central Electricity Act, Regulation 2010.
5. The LR of the OP submitted that the complainant has illegally shifted the pole and they have also lodged FIR regarding illegally pole shifting on 24.07.2023 against the complainant. This pole inside the premise of the complainant can be hazardous and life threatening in the future. OP also submitted photographs of the site to this effect.
6. Heard both the parties and perused the record.
7. The main issue in the present complaint is whether the connection to the complainant can be given when the electricity pole is encroached by the complainant.
8. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connections at premises no. R-143, GF, FF and SF, but respondent raised objection that the complainant has encroached the BSES pole. Respondent also submitted photographs of the site which shows that the upper half of the pole was totally inside the building which was later on tilted in the front of the building. OP has also lodged FIR against the complainant which is also placed on record.

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4 of 5
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CORI

Complaint No. 278/2023

9. We are of the view that the complainant should remove the pole encroachment and thereafter, should apply for fresh new electricity connection.

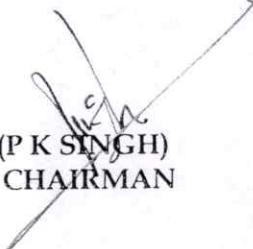
ORDER


Complaint is rejected. OP has rightly rejected the application of new connection of the complainant.

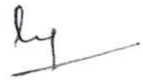
The case is disposed off as above.

No order as to the cost.

Both the parties should be informed accordingly. File be consigned to Record Room.

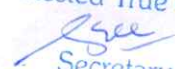

(P K SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

ON LEAVE
(H.S. SOHAL)
MEMBER

5 of 5
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