



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

C A No. Applied For
Complaint No. 65/2022

In the matter of:

Prem KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mr. Nishat Ahmad Alvi, Member (CRM)

Appearance:

1. Mr. Aslam Parvez, Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 12th May, 2022
Date of Order: 17th May, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but respondent has not released the same till date.

The complainant's grievance is that he is residing at H.No.-83-84, Sarojni Park, Shastri Nagar, Delhi and applied for new electricity connections vide request no. 8005349588 & 8005349605 but respondent rejected his application for new connection on pretext of cable found in the premises. It is also his submission

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that already five electricity connections are installed in the said premises. Therefore, he requested Forum to direct the respondent for release of new electricity connection at the earliest.

Notices were issued to both the parties to appear before the Forum on 25.04.2022.

The respondent in their reply submitted their reply stating therein that complainant applied for new electricity connection at premises no. 83-84, GF, Shop No. 1, Sarojini Park, Shastri Nagar, Delhi-92, dated 14.12.2021. The new electricity connections were applied by the complainant vide request no. 8005349588 and during site inspection it was found that pole encroachment existed at site and thus the requests for new connections were rejected and the notice of accessibility was issued to the applicant for pole encroachment. Respondent further added that complainant has encroached the electricity pole of the respondent existed at premises of the complainant. The illegal construction of the building and the same is not only illegal but also causing grave and serious threat to the public safety and residents of the locality but completely obstructing the company in operation/maintenance/repairing of the supply system.

Respondent also mentioned that the said projection/construction has been made 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.

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:-

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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, 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 matter was listed for hearing on 25.04.2022, when respondent raised objection regarding encroachment of pole and BSES network. Photographs produced by respondent shows no maintenance of wires and jumpers.

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Respondent was directed to properly maintain the wires and jumpers and also produce photographs of the work done by them in maintaining the wires.

The matter was again heard on 05.05.2022, when respondent submitted that the pole is touching the shop at the ground floor. Respondent was directed to provide details of the connection in the premises and also provide horizontal and vertical distance. Respondent was also directed to provide K.No. file of all the connections installed in the premises and the date of installation of pole.

During the course of hearing the respondent also submitted K.No. files and bills of the other connections installed in the premises and the date of energization of the connections installed is prior to the year 2014.

The matter was finally heard on 12.05.2022, when arguments of both the parties were heard and matter was reserved for orders.

The main issue in the present complaint is whether the connection can be granted or not.

That after going through all the facts and materials available on record we feel that electricity is an essential requirement as decided by Hon'ble High court of Himachal Pradesh, that right of electricity is fundamental right.

In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court.
The Court is of opinion that electricity is the basic necessity.

In the matter of Durga Rani Singh Vs WBSDCL, 9 May 2016 Calcutta High Court, "A person is settled occupier of any premises is entitled to get electricity connection. The right to get electricity is considered as an extended Fundamental Right.

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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 that if the complainant remove all the objections raised by the respondent and fulfills all the commercial formalities as stipulated in DERC Guidelines 2017, the respondent company should release the connection of the complainant.

The case is disposed off.

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


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)