



C A No. Applied for
Complaint No. 40/2023

In the matter of:

Ramesh Babu

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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. Complainant present in person
2. Ms. Ritu Gupta, Mr. Ram Babu Singh, Ms. Shweta Chaudhary,
Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 28th March, 2023

Date of Order: 05th April, 2023

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

1. This complaint has been filed by Mr. Ramesh Babu & Mr. Ajay Kumar against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that Mr. Ramesh Babu & Mr. Ajay Kumar, purchased plot no. B-65A & 65B, Block B, Gali No. 1, Kamal Vihar, Near Sardar Patel School, Karawal Nagar, Delhi-94, Khasra No. 14/21.

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CGRF (BYPL)

   1 of 5

Complaint No. 40/2023

They further submitted that respondent's overhead cable is going from the above of their property, which is restricting them from constructing their property. Therefore, they requested the forum to direct the respondent for removal of overhead cable from their plot.

3. OP in its reply briefly stated that the complainant is seeking removal of overhead cable passing through property bearing no. B-65-A and B-65-B, Abadi of B Block, Gali No. , Near sardar Patel Public School, Kamal Vihar, Karawal Nagar, Delhi-110094. OP further added that complainant is not a consumer of the respondent as such the learned Forum has no jurisdiction to try and entertain the present complaint.

OP further added that property of the complainant falls in right of way and hence overhead cable may be shifted in terms of Regulations 24 of Delhi Electricity Regulatory Commission (Supply code and performance standards) Regulations 2017. OP further added that shifting is possible if complainant provides alternate land for the same and if so then on the complainant paying the cost of shifting, shifting of cable can be possible. OP further added that area in issue was earlier an agricultural land used for cultivation. The villages/previous owners of the said land who intended to sell the land as residential plots sought electrification of the area. The area was electrified in the year 2002 and 2003. The complainant is claiming ownership over 25 sq yards of area through notarized GPA dated May 13, 2021.

4. During the arguments, the complainant submitted that he purchased the property on 13.05.2021 through notarized GPA for land measuring 25 sq yards and the cable passing through his land is of 440 V, which is very dangerous and life threatening. He cannot construct his premise because of the over head cable passing through his plot.

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 2 of 5

Complaint No. 40/2023

5. LR of the OP argued that as per Regulation 24 itself it is apparent that shifting is possible if complainant provides alternate land for the same. Thereafter, it would be seen whether shifting of the overhead is technically feasible and if so then on the complainant paying the cost of shifting of overhead cable the cable will be shifted.
6. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 24 for shifting of electric line or electrical plant of the licensee, which is reproduced here:-

24. Procedure for shifting electric line or electrical plant of the Licensee.-

- (1) The owner of the land or his successor in interest, who has given right of way for the construction of an existing electric line or electrical plant over, under, along, across, in or upon the said land, may apply for shifting the electric line or electrical plant to any other portion of his land for genuine purposes:
- (2) The application for shifting the electric line or electrical plant shall be submitted to the Licensee.
- (3) On receipt of the application, the Licensee shall inspect the site and assess the technical feasibility of the proposed shifting.
- (4) The request for shifting an electric line or electrical plant shall be granted only if:-
- (i) the proposed shifting is technically feasible. and
- (ii) the owner of the land or his successor in interest gives consent in writing to shift the electric line or electrical plant to any other portion of his land or to any other land owned by him or any alternate right of way to be arranged by him for shifting the electric line and the electrical plant and

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CGRF (BYPL)

    3 of 5

Complaint No. 40/2023

- (iii) the owner of the land or his successor in interest shall take necessary permission/approval for road cutting or right of way, if required.
- (iv) the applicant remits the applicable charges required for shifting the electric line or electrical plant.
- (5) The Licensee shall shift the electric line or electrical plant, if the conditions specified in sub-regulation (4) are complied with by the applicant.
- (6) In case of shifting of meter or service line within the premises of the consumer, the procedure specified in the Regulation 25 shall apply.
7. 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 as per above stated regulation OP has to take permission of the land owner or his successor in interest, who has given right of way for the construction of an existing electric line or electrical plant over, under, along, across, in or upon the said land, here the complainant or his predecessor has not given any consent to OP for passing the overhead cable from his plot. OP failed to produce any consent of the complainant or his predecessor.
8. Therefore, we are of considered opinion that the overhead cable should be shifted from the plot of the complainant and OP should take necessary steps to shift the cable.

    4 of 5

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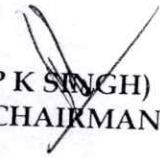
Complaint No. 40/2023


ORDER


The complaint is allowed. The respondent is directed to shift the overhead cable from the plot of the complainant without asking the complainant for cost of shifting or space for shifting within stipulated time as per DERC Regulations 2017.


The case is disposed off as above.


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


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

5 of 5

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