



C A No. Applied for
Complaint No. 312/2023

In the matter of:

Tabassum FarahComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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)

Appearance:

1. Mr. Imran Siddiqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 26th September, 2023
Date of Order: 27th September, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. This complaint has been filed by Ms. Tabassum Farah against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Tabassum Farah applied for new electricity connection vide request no. 8006422248 at premises no.

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CGRF (BYPL)

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R-152, SF, Ramesh Park, Laxmi Nagar, Delhi-110092, but respondent rejected her application of new connection on pretext of pole encroachment. Therefore, she requested the Forum to direct the respondent for release of new electricity connection.

3. OP in its reply briefly stated that the complainant is seeking fresh electricity connections for second and third floors of property bearing no. R-152, SF, Ramesh Park, Laxmi Nagar, Delhi-110092. The complainant's applied for new connection vide application no 8006422248 at second floor which was rejected on account of fact that necessary safety distance not maintained between the building and the LV mains/pole of the respondent. Already four connections are installed in the building and they were released in the year 2014 and 2015.

OP further added that building in issue has been constructed in violation of the provision of 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, therefore no new connection can be granted till the unauthorized construction is removed and requisite distance is maintained.

4. Arguments of both the parties are heard.
5. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.





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6. 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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7. 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.
8. Factual position of the case as apparent from the inspection report and documents, the distance of premises from concerned electricity pole is not 1.2 meter as required by the above mentioned law. The picture placed on record shows that pole is adjacent to the building of the complainant and many connections have already been released from the said pole. Even as per law mentioned in Regulation 60 (3) of above Regulations 2010, if the distance is less than 1.2 meter, connection can be given if it is adequately insulated. There is no dispute regarding the fact that the supply of electricity is totally through insulated wires. Hence, on this very ground complainant cannot be deprived of the electricity connection.
9. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution. In the present circumstances of consumer of GF has been given connection and on the basis of no proper clearance from the pole complainant cannot be deprived off connection.
10. We are of the view that the respondent may be directed to provide the connection.

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
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ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that he will be responsible for any mis-happening due to improper clearance from the pole.

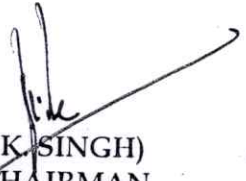
The case is disposed off as above.

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


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.N. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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