

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
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com
SECY:CHN 01508NKS

CA No. Applied For
Complaint No. R.A. No. 3 in C.G. No. 36/2019

In the matter of:

Surekha RaniComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Singh, Member (CRM)

Appearance:

1. Ms. Surekha Rani
2. Mr. Imran Siddqi, Mr. Randeep Kumar, Mr. Achal Rathi & Mr. B.B. Sharma, On behalf of BYPL

ORDER

Date of Hearing: 03rd January, 2020
Date of Order: 08th January, 2020

Order Pronounced By:- Mr. Arun P Singh (Chairman)

Briefly stated facts of this case are that the complainant lodged a complaint in CGRF in July 2019 vide C.G. No. 36/07/2019, same was heard by the Forum and ordered that *since complainant does not fulfill the definition of the consumer, this Forum cannot entertain the present complaint. However, the respondent is directed to release the connection applied by the complainant after completion of the required commercial formalities by the complainant and asking for removal of two poles.*

Harshali

Arun

1 of 6

Complaint No. R.A. No. 3 in C.G. No. 36/2019

After the orders of the Forum dated 23.08.2019, the complainant got a new electricity meter installed vide CA No. 350975403 and approached Hon'ble Ombudsman for Redressal of her grievance.


As the complainant got the new connection installed in her name and fulfills the definition of the complainant. The Hon'ble Ombudsman remanded the case back to CGRF-BYPL to re-examine the main issue of the complainant.

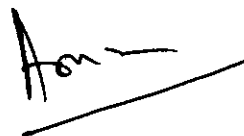
The matter was listed for hearing on 13.12.2019, when both the parties were present and directed to hold a joint inspection on 16.12.19 at 12.30 PM to examine the technical feasibility of shifting/removal of pole and file their report.

Both the parties visited the site on 16.12.2019 and submitted their report stating therein that, 'after examine site condition, respondent asked to complainant to provide a suitable portion of her land or any other land owned by her for shifting of reference pole. But they denied for the same. Hence, the technical feasibility of shifting of pole is not possible due to non-availability of alternate suitable land or pole cannot be removed.

The matter was finally heard on 03.01.2019, when both the parties were asked to file their written submissions and matter was reserved for orders. Both the parties filed their written submissions.

The complainant in her submission stated that pole no. 852 and pole no 29 are installed in front of her plot no. G1/60, Gali No. 4, Sonia Vihar, Fifth Pushta. She also stated that pole no. 29 was installed after she purchased the plot. She also asked for details of the connections installed through the poles in front of her premises and reiterated her original complaint.






2 of 6

Complaint No. R.A. No. 3 in C.G. No. 36/2019

The respondent in its written statement submitted that the consumer is raising unnecessary issues as there is admittedly a front side of 30 feet and there is no legal bifurcation of the premises. The complainant's claim that property is in three parts, it is submitted that it is a single property of 100 sq. yards in the name of Smt. Surekha Rani. Secondly, there is ample space for ingress and egress of the premises. The complainant is in no way getting disturbed by the installation of the BYPL. It was also submitted that only 8.6 feet size of portion in front of the premises in question at the appropriate distance has been installed since 2004 whereas the property in question has been purchased in the year 2019. Respondent also submitted that three phase transformer is installed for load balancing purposes also.

It was further added that for shifting of pole or transformer following compliance as mentioned in Regulation 24 of Supply Code 2017 is to be ensured by consumer which has not been done. It was submitted that the electricity installation are in consonance with Section 42 of the Electricity Act 2003. Also the installation of pole in issue is as per the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulation 2010. Therefore, the electrical installation complies with the provisions of the CEA Regulations 2010 regarding electrical safety.

There are mainly two issues involved in the matter. First is electrical safety and the other one is shifting of electric line and/or electrical plant of the licensee (Respondent BYPL).

The clause 5 of the DERC Regulation, regarding safety of electrical installation is as under:-

"Safety of electrical installations:-

- (1) The Licensee and the consumer shall, in every respect, comply with the provisions of the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, as amended from time to time.

Handwritten signature

Handwritten signature
3 of 6

Complaint No. R.A. No. 3 in C.G. No. 36/2019

(2) At the time of testing of installation, if the Licensee's representative finds that there is a defect in the consumer's wiring, the Licensee shall serve a written notice to the consumer to make such modifications as are necessary to render the installation safe.

(3) The connection shall be energized only on removal of the defects."

This provision is particularly for consumer's wiring and electrical installation, where compliance of provisions of CEA (Measures relating to safety and electric supply) Regulation 2010 is to be ensured. The respondent's installation (Double pole and transformer) outside is premises of the complainant should also be safety complaint and as per submissions of the respondent they have the 11 KV line on the pole is ABC (Aerial Bunched Conductor) i.e. insulated and also they have provided adequate size fuse set on the transformer for protections against overload/earth fault. The height of live point (transformer bushing) is also 3.4 meters (as per submission by the respondent) which is more than the requirement as per Clause 49 of the CEA Regulations. As such this electrical installation (Double pole structure with double pole) complies with the provisions of the CEA Regulations 2010 (regarding electrical safety).

The main issue in the complaint is regarding shifting of license's installation Double Pole structure with transformer erected by them for giving proper supply to the consumers of the area for which the respondent is authorized as distribution licensee by clause 42 of the Electricity Act 2003. However, the provisions in the Regulations regarding shifting of electrical line and/or electrical plant of the licensee are as under:-

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:

Handwritten signature

Handwritten signature

Complaint No. R.A. No. 3 in C.G. No. 36/2019

- (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
 - (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.

The complainant during hearing has shown his inability to arrange any alternate Right of Way (land/space) as per requirement of the above provision in the Regulation and hence shifting is not possible. Otherwise also this is a part of the continuous 11 KV line and hence any break in continuity shall cause complete dislocation of electricity supply in the area.

Hence in our considered opinion the request of the complainant regarding shifting of poles and transformer is not acceptable under the present circumstances and hence dismissed.

flanshdi

Am
5 of 6 *Wsh*

Complaint No. R.A. No. 3 in C.G. No. 36/2019

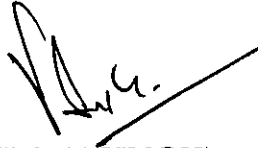
However, the respondent is directed to ensure healthiness of the protections of the 11 KV (on ABC) and the transformer and also arrange periodic checking /testing of the installation for safe and effective operations.

The case is disposed off as above.

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


(HARSHALI KAUR)
MEMBER (CRM)


(ARUN P SINGH)
CHAIRMAN


(VINAY SINGH)
MEMBER (LEGAL)