



C A No. 101018328
Complaint No. 73/2020

In the matter of:

Virender KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Virender Kumar, Counsel for the complainant
2. Mr. Imran Siddiqui, On behalf of BYPL

ORDER

Date of Hearing: 22nd January, 2021

Date of Order: 25th January, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied shifting of electric pole in front of main gate of his premises.

The complainant submitted that he is resident of premises no. 1/465-466, Trilok Puri, Delhi-91, and in front of his premises a BSES pole is installed, which is creating hindrance for him and his family. He made many complaints to respondent for shifting of the said pole, but all went in vain. Therefore, he requested the Forum to direct the respondent for shifting of pole to the left side of his premises.

Harshali

Virender

Imran

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Notice was issued to both the parties to appear before the Forum on 02.12.2020.

The respondent submitted their reply stating therein that the complainant applied for shifting of electric pole from front side of his premises. It is also their submission that as per site conditions obstruction exists at site for erection of pole due to illegal extended encroachment on street side in front by 1/467, Trilok Puri. During site visit the complainant refused to shift the LT pole adjacent to her premise. The complainant wants to shift the pole at left side, but there is drainage system existing at site which will create hindrance. At present there is no obstruction in movement from both the gates of the premises.

The matter was heard on 02.12.2020, when both the parties were directed to hold a joint inspection of the premises.

Respondent submitted joint inspection report, stating therein that the proposal to shift Pole no. J 287, approximately 2 to 2.5 meter in left site and approx 1 to 2 feet towards road. As per network feasibility poles/CKT are supposed to be in straight line.

Shifting of pole is feasible in same alignment in left side 2 to 2.5 meter, but towards road 1 to 2 feet is technically not feasible because after shifting it will create obstruction to vehicles on road and may cause accident.

Pole cannot be shifted due to requirement of maintaining the horizontal clearance as per Regulation 60 & 61 of the CEA (Measures Relating to Safety and Electric Supply) the minimum horizontal clearance will not be maintained considering safety norms.

Matter was again heard on 14.12.2020, when it was figured that as per joint inspection report pole shifting is not possible. Still forum gave time to respondent to expedite possible resolution. Complainant also submitted that he is ready to pay the expenses of pole shifting.

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On hearing dated 05.01.2021, the respondent stated that they are ready to shift the pole keeping it on the left side of the same house. NOC is not required because the pole is to be shifted on the left side of the same house. Respondent is directed to provide shifting pole charges to the complainant in writing. Respondent is directed that in future always give intimation to complainant in writing.

The matter was finally heard on 22.01.2021, when respondent submitted that they have given estimate to complainant for pole shifting. Matter was reserved for orders.

Regulation 24 of the DERC (Supply code and performance standards) Regulations 2017, which is narrated below:

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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(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.

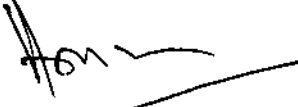
(6) In case of shifting of meter or service line within the premises of the consumer, the procedure specified in the Regulation 25 shall apply.

We have gone through all the material aspects of the case and are of the considered opinion that the respondent has raised the estimate bill for pole shifting from the front of the complainant's house to the left side of the premises. The estimated amount of Rs. 26494.71/- raised by the respondent is paid by the complainant. The respondent is directed to do the pole shifting within a week's time.

The case is disposed off as above.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARJUN P SINGH)
CHAIRMAN