

C A No. Applied for
Complaint No. 541/2024

In the matter of:

Alka Jain

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Rakesh Kumar, A.R. of the complainant
2. Mr. Prashant Sharma, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

ORDER

Date of Hearing: 10th December, 2024

Date of Order: 16th December, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Ms. Alka Jain, against BYPL-Krishna Nagar.
2. The brief facts of the case giving rise to this grievance are that the complainant applied for two new electricity connections at premises no. IX/6305, Jain Mandir Gali, Gandhi Nagar, Delhi-110031, vide requests no. 8007088210 and 8007090033.

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Secretary
CGRF (BYPL)






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The application of complainant was rejected by Opposite Party on the pretext of Connection request is unfeasible, but complainant stated that several previous connections have been successfully installed from the same pole.

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for two new connections at Ground and First floors of the property bearing no. 533/1-B, New No. 9/6305, Jain Mandir Gali, Gandhi Nagar, Delhi-110031, vide requests no. 8007090033 & 8007088210. The application of the new connections were rejected on pretext of BSES Pole was found encroached by the complainant. During the inspection made by respondent it was found that the premises structure was G+3 Commercial building and the BSES Pole was found encroached by the complainant and the premises of the complainant had been found constructed in violation of the provisions of Regulations 60 & 61 of the Central Electricity Authority (Measure relating to Safety and Electric Supply) Regulations, 2010 and Section 53 & 68 (5) read with section 161 of the Electricity Act, 2003. The existing meter bearing no. 35946783 removal is also required as per law.

Regulation 60 & 61 of the Central Electricity Authority (Measure relating to Safety and Electric Supply) Regulations, 2010 clearly stipulates the minimum horizontal and vertical clearance mandatorily required to be maintained from the electricity mains/installations for any building/structures, balconies/verandas/roof/chajja were an extra High Voltage or Medium/Low voltage line passes above or adjacent to such building or part of a building to avoid any electrical accident.

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4. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that he has enough space for security reasons and no illegal construction has been done by the complainant. Complainant further stated that secure walls have been built around the pole and respondent has been given many connections from this pole whose order & CA no. 800707798, 8007215569, 8007092335, 8007092337 & 154541925. There is a temporary connection having meter no. 35946783, on the above mentioned property, which should be removed by giving a permanent connection. Complainant also attached site photographs.
5. Heard arguments of both the parties heard at length.
6. Before disposal of the complaint, relevant Rules and Regulations should be dealt with.

DERC Regulation 11 (2)(iv)(c) of DERC Supply Code 2017, states

(iv) The Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

c. the energisation would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.



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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. |

Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010 is as follows:



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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, 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.

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.

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.



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7. From the narration of facts and material placed before us we find that the applications of the new connections of the complainant were rejected by OP on pretext of pole encroachment. From the perusal of the photographs placed on record, it is clearly evident that the complainant has covered the electricity pole with a tin shed.
8. OP has rightly rejected the applications of the complainant under the provision of the Central Electricity Authority (Measure relating to Safety and Electric Supply) Regulations, 2010, Sub-Regulations 63 (2) (iv) based on objection of department that complainant has extended the premises by way of unauthorized construction. The distance between pole and premises has narrow-down as a consequence the pole is touching the extended tin-shed. Therefore, OP has rightly rejected the applications of the complainant for new connections for the violation of law. It is very dangerous situation and there is possibility of mishap in future.

ORDER

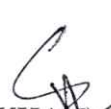
The complaint is rejected. OP has rightly rejected the applications of the new connections of the complainant, since the complainant failed to maintain the sufficient distance from the pole and there are serious security concerns as stated above.


The parties are hereby informed that instant order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN