

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/CEN 015/08NKS

C A No. Applied For
Complaint No. 307/2024

In the matter of:

Chaitnya Dutt & OthersComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Mr. R.S. Bisht, Mr. Anoop Singh, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 18th February, 2025
Date of Order: 27th February, 2025

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

1. This complaint has been filed by Mr. Chaitnya Dutt & Others, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainants applied for new connections vide request no. 8006927567, 8006927571, 8006927580 and 8006931979 at their premises no. C-86-A,

Attested True Copy Gali No. 7, West Vinod Nagar, Delhi-110092.

Secretary
CGRF (BYPL)

Complaint No. 307/2024

It is further submitted that respondent rejected the applications for new connections on the pretext of "no floor meter exist-5906869, building height is more than 15 meters and improper pole clearance.

3. The respondent in reply briefly stated that the complainants are seeking new electricity connections vide request no. 8006927567, 8006927571, 8006927580, 8006931979 and 8006927557 at premises bearing no. C-86-A, Gali No. 7, West Vinod Nagar, Delhi-110092. During site visit technical feasibility was rejected on account of pole damage by the complainant, meter removal order of existing without floor meter bearing meter no. 35969578 is required, as all the floor owners applied for separate meter for their respective floors.

OP further added that on 03.05.2024 inspection was carried out by the officials of respondent whereby it was found that building structure consists of Ground floor plus upper ground floor plus four floors over it. Thus building has effectively six floors. One connection with no floor vide meter no. 35906869 already exists, building height more than 15 meters.

Reply further states that electricity pole was found damaged by tilting the same in a dangerous manner on account of unauthorized construction of the building and hence the same is required to be removed in order to straighten the pole.

Regarding pole damage a police complaint has already been lodged on 06.03.2023. Further it is important to mention that earlier also a complaint was registered before this Forum for shifting of subject pole vide C.G. No. 48/2023, which was later withdrawn by the complainant.

Regarding the third and fourth floor of applied premises, which are effectively 5th and 6th floor, the complainant has to submit an architect certificate and BCC respectively.

Attested True Copy

Secretary
CGFI (BYPL)

[Handwritten signatures]

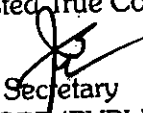
Complaint No. 307/2024

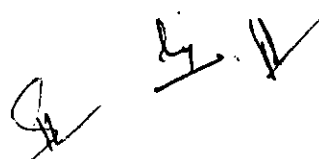
4. During the course of arguments, the complainant requested for joint site visit and submitted that he has applied for new electricity connections on UGF, 1st floor, 2nd floor, 3rd floor and 4th floor. The complainant not pressed the request no. 8006931979 which is for 4th floor and remaining connections he is entitled for the same under 6th Amendment.
5. The counsel of the complainant submitted its rejoinder refuting therein the contentions of the respondent as averred in their reply and submitted that the height of the building is within prescribed limit of 17.5 meters and the complainant has not damaged the pole, the pole is in the same condition since several years. He also submitted that the complainant has remove the built up portion near the pole.
6. Both the parties were directed to conduct joint site visit. The joint site visit report stated that as under:
 - a) BSES LT pole found encroached and is tilted towards gali.
 - b) One three phase DB and 20 nos. connections found installed at this pole.
 - c) At present pole is not touching the premise as consumer has removed minor portion around pole, but pole is inclined towards gali.
 - d) Distance (horizontal) of pole from nearest point of premise is approx. 6 inch.

OP filed another site visit report dated 17.02.2025, in which they mentioned height of ground floor from floor level which is 2.70 metre and finishing work at ground floor is still pending. It is also mentioned that height of ground floor from road level of gali is 3 metre and 8 cm.

7. Heard both the parties and perused the record.

Attested True Copy


Secretary
CGRF (BYPL)

 3 of 11

Complaint No. 307/2024


8. Two issues are involved in the case, one is which is the ground of rejection of connection is pole is encroached/tilted by the complainant which is violation of provision and second objection is total height of the building is above 17.5 meters.
9. As far as 1st issue is concerned, OP's version is, complainant has filed the complaint no. 48/2023 in the name of Sh. Krishna Vs BYPL with the prayer for shifting of the pole which was not pressed by the complainant and subsequently complainant tilted/encroached the pole by making new construction.

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.

To sum up OP alleges that there is violation of Regulation 11 (2)(iv)(c) of DERC (supply Code and Performance Standards) Regulation 2017, hence, connection cannot be granted. As per this Regulation Licensee/OP not sanction the load, if upon inspection, the licensee finds that there the energization would be in violation of any provision of the act, Rules, Regulations or any other requirements if so specified or prescribed by the commission or Authority under any of their Regulations or order.

Attested True Copy


Secretary
CGRF (BYPL)

Complaint No. 307/2024

To determine as to the alleged violation of Act, Rules, etc, we have to consider the notice issued under regulation 63 of Central Electricity Authority (measures relating to safety and electric supply) Regulations 2023.

Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2023 is as follows:

63. 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 any building or part of a building it shall have on the basis of maximum sag a vertical clearance above the highest part of the building immediately under such line, of not less than:-

(i) For lines of voltages exceeding 650 V - 3.7 metre;
and upto and including 33 KV

(ii) for lines of voltages exceeding 33 Kv - 3.7 metre plus
0.30 metre
KV
for every additional 33
or part thereof.

(3) The horizontal clearance between the nearest conductor and any part of such building shall, on the basis of maximum deflection due to wind pressure, be not less than -

Attested True Copy

Secretary
CGRI (BYPL)

Complaint No. 307/2024

- (i) for lines of voltages exceeding 650 V - 1.2 metre;
and upto and including 11 KV
- (ii) for lines of voltages exceeding 11 KV
And upto and including 33 KV - 2.0 metre;
- (iii) for lines of voltages exceeding 33 KV - 2.0 metre plus 0.3
metre for every additional 33 KV
or
part thereof.

(4) For high voltage direct current systems, the vertical and horizontal clearances, on the basis of maximum deflection due to wind pressure, from buildings shall be maintained as below;

Sl. No.	High Voltage direct current	Vertical Clearance (metre)	Horizontal Clearance (metre)
1	100KV	4.6	2.9
2	200 KV	5.8	4.1
3	300 KV	7.0	5.3
4	400 KV	7.9	6.2
5	500 KV	9.1	7.4
6	600 KV	10.3	8.6
7	800 KV	12.4	10.7

5) The vertical and horizontal clearances shall be as measured as illustrated in Schedule VIII C

Explanation: - For the purposes 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, 2023, as amended from time to time.

Attested True Copy

Secretary
CGRF (BYPI)

6 of 11

Complaint No. 307/2024

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.

10. Therefore, as per the provision, the complainant has encroached/tilted the pole therefore he is not entitled for new connection on this ground. According to the regulations the required distance from the building of the pole is 1.2 meters.

Attested True Copy

Secretary
CGRI (BYPL)

[Signature]

Complaint No. 307/2024

As per inspection report of the licensee dated 06.11.2024, point 3 states "at present pole is not touching the premise as consumer has removed minor portion around pole. But pole is inclined toward gali."

Thus the factual position is pole is not totally encroached but the distance is less than 1.2 meters. Since the wire is insulated wire and even if the less distance between the building and the pole there is no dispute regarding the fact that the supply of electricity is totally insulated wire. In our opinion connection can be given to the complainant.

As far as the objection of OP that the complainant has tilted the pole and OP has lodged the police complaint there is provision of Section 136 and Section 138 of the electricity Act 2003, both these sections provide that these are criminal offences and punishment of imprisonment and fines, but nowhere it has been provided that the consumer under these sections shall not be granted electricity connection.

As far as second objection is concerned, the complainant has applied for five new electricity connections, one was at the top floor which is now has been not pressed by the complainant. Other four domestic connections are on UGF, 1st floor, 2nd floor, and 3rd floor. As per OP since the building is above 17.5 meters height without BCC/fire NOC no connection can be granted.

In this regard, DERC (Supply Code and Performance Standards) Regulations 2017, Rule 5(1) Safety of electrical installations says that ":- (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.

Further Rule 7(2) of the above Regulations says "All multi-storeyed buildings, having a height of more than 15 meters from ground level, shall also comply with Clause 36 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 and amendments thereof.

Attested True Copy

Secretary
CGRF (BYPL)

Complaint No. 307/2024

Rule 11 provides for the provisions of the new electricity connection Rule (11)(2)(iv) says that

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

a. the information as furnished in the application is at variance to the actual position, or

b. the installation is defective or

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.

New connection application form issued by DERC, point no. 5 of the undertaking states, "That the building has been constructed as per prevalent building Bye-laws and the total height of the building

- (i) Does not exceed 15 (fifteen) meters on the date of seeking service connection: or
- (ii) Is more than 15 (fifteen) meters and fire clearance certificate is available with the applicant.

Now the legal position is clear, if the height of the building is more than 15 meters without stilt parking and with stilt parking it is above 17.5 meters, the applicant is required to file fire clearance certificate from the fire department, without which new connection cannot be granted. The only exception which has been provided by DERC is in 6th Amendment.

DERC vide order dated 15.04.2021, issued sixth amendment, states DERC (Sixth Amendment) order, 2021 dated 15.04.2021:2.0

(3) In case of residential buildings, for release of electricity connection the Distribution Licensee shall not insist for Fire Clearance Certificate for the residential building having height up to 15 meters without stilt parking and up to 17.5 meters with stilt parking.

4(1) In case the total height of such building is more than 15 meters without stilt parking and more than 17.5 meters with stilt parking, the distribution licensee shall:

Attested True Copy

Secretary
CGRF (BYPL)

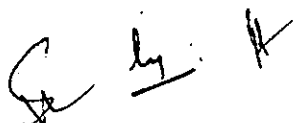
Complaint No. 307/2024

- (i) release the electricity connection in the dwelling units which are within the height of 15 meters without stilt parking and within the height of 17.5 meters with stilt parking of the building, without insisting for Fire Clearance Certificate:
- (ii) in the dwelling units which are above the height of 15 meters without stilt parking and which are above the height of 17.5 meters with stilt parking of the building, the electricity connection shall not be provided unless the fire clearance certificate has been obtained:

It shows that only residential buildings below 17.5 meters can be given domestic connections.

As per IR total height of the building including Ground+UGF+1st+2nd till 3rd floor is within 15 meters and all the connections required by the complainant are domestic connections. As per DERC order dated 15.04.2021, for the domestic connections distribution licensee shall not ask for fire clearance certificate for residential buildings having height less than 15 meters. In the present case all the connections are of domestic nature and the complainant has not pressed for the connection on 4th floor, therefore, connections till 3rd floor can be granted to the complainant.

As far as objection for dues and one connection already existing in the building is concerned, connections can only be given to the complainant after clearance of the dues and the connection already existing in the building, OP has not mentioned on which floor the said connection is existing.



Attested True Copy


Secretary
CGRF (BYPL)

Complaint No. 307/2024

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.

OP is hereby directed to grant the applications of the complainant for electricity connections in the applied premises.

ORDER


Complaint is allowed. Respondent is directed to release the new connections as applied for by the complainant vide request no. 8006927567, 8006927571, 8006927580 and 8006927557, after completion of all the commercial formalities as per DERC Regulations 2017.

This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

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

Attested True Copy


Secretary
CGRF (BYPL)