



C A No. Applied for
Complaint No. 171/2025

In the matter of:

Indu Kumari

.....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)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Abhishek Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 17th July, 2025

Date of Order: 22nd July, 2025

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief facts of the grievance are that the complainant applied for new electricity connection vide request no. 8007496930 at premises no. 7921-7922, Nai Basti, Ram Nagar, Paharganj, Delhi-110055. The application of the complainant for new connection was rejected on the grounds of pole encroachment, same address dues and MCD objection exists.

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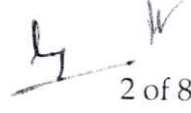
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2. The respondent in its reply against the complaint of the complainant submitted that the complainant is seeking new DX connection for a load of 1 KW at second floor of premises bearing address 7921-7922, Nai Basti, Ram Nagar, Pahar Ganj, Delhi-110055 vide application no. 8007496930. The building is mixed as residential and commercial and the building structure is ground floor + 4th floor and exceeding height of the building more than 15 meters. The application of the complainant was declined due to following reasons:

- a) Applied address is appearing in MCD booking list vide letter bearing no. D-226/EE(B)/CSPZ/2018 dated 23.01.2018 appearing at sl. No. 86 and D-125/EE(B)-I/C-SPZ/2024 dated 13.06.2024 appearing at sl. No. 28.
- b) The complainant has totally encroached the electricity pole of the respondent company situated at site.
- c) Electricity dues of CA no. 150330894 are payable upon the applied premises and hence Rs. 2005/- is payable on pro-rata basis.
- d) There are also enforcement dues of Rs. 51,115/- vide Case ID no. YM230822CE017 are also payable.
- e) Building height more than 15 meters, as it is a mixed used building having building structure ground plus four floors over it.

3. The counsel for the complainant in its rejoinder refuted the contentions of respondent as averred in their reply and submitted that the complainant applied for new connection on 05.03.2025 and all the mandatory documents including No Objection Certificate (NOC) from the owner, ID proof and proof of occupation and the application of the complainant is complete in all respects and warranted approval under Section 43 of the Electricity Act 2003.



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Rejoinder further stated that the objection of OP regarding pole encroachment, in this regard the complainant stated that it is common in dense urban cluster and does not legally or practically bar meter installation. The rejoinder also stated that OP has already installed a meter on the ground floor which contradicts its own objection.

It is further added that the complainant is merely a tenant on the 2nd floor; she is not the builder or owner and cannot be penalized for the architectural design. Complainant further stated that OP has released many electricity connections in same premises on multiple floors and the enforcement bills which OP is asking for are not applicable on the complainant as it is totally misleading and attempting arm twisting technique.

4. Arguments of both the parties were heard.
5. From the narration of facts and material placed before us we find that the complainant applied for new electricity connection vide request no. 8007496930 at premises no. 7921-7922, Nai Basti, Ram Nagar, Paharganj, Delhi-110055 which was rejected by OP on many grounds. Firstly the premises of the complainant is booked by MCD, Secondly the pole is totally encroached inside the applied premises which is clearly evident from the pictures filed by OP, thirdly building structure is ground plus four floors over it making height of the building more than 15 meters and lastly, there are pending energy and enforcement dues which are required to be cleared by the complainant.
6. From the perusal of MCD booking lists placed on record we find that the applied premises was first booked in the year 2017 vide order no. D-226/EE (B)/CSPZ/2018 dated 23.01.2018 and second time was booked in the year 2024 vide order no. D-125/EE(B)-I/C-SPZ/2024 dated 13.06.2024. ✓

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7. As far as legal position is confirmed according to DERC (Supply Code and Performance Standards) Regulations 2017, Rule 10 (3) for the new connection proof of ownership or occupancy is required.

(A) Performa for new connection has been provided in DERC (Supply Code and Performance Standards) Regulations 2017 as annexure 1, seven declarations are required as per performa and in this case 5th one is important "that the building has been constructed as per prevalence building bye-laws and the fire clearance certificate, if required, is available with the applicant."

DERC (Supply Code and Performance Standards) Regulations 2017, Rule 11 (2)(iv)(c) shows that "the Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

(c) the energization 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.

(B) Hon'ble Delhi High court in case of Parivartan Foundation Vs. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that

3. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.

4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.

Thus, this Forum can't grant any relief when MCD booking is confirmed.

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8. With regard to the pole encroachment objection of OP, following rules are applicable.

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 2023 is as follows:

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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
for every additional 33 KV
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 -

- (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	100KW	4.6	2.9
2	200 KW	5.8	4.1
3	300 KW	7.0	5.3
4	400 KW	7.9	6.2
5	500 KW	9.1	7.4
6	600 KW	10.3	8.6
	800 KW	12.4	10.7

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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, 2010, as amended from time to time.

As per the above stated Regulations, for release of the new electricity connection there should be sufficient/prescribed distance between the pole and premises but in the present case the pole is totally encroached inside the building, therefore on this ground the connection cannot be released to the complainant.

9. Regarding the third objection of OP, building height more than 15 meters, in this regard we find that the complainant has applied for new electricity connection under domestic category for a load of 1 KW on second floor. The said floor is very much within the prescribed limit of building height, therefore this objection of OP is not sustainable.

10. Regarding the fourth objection of OP, pending enforcement and energy dues, the complainant before release of the new electricity connection has to clear her pro-rata share of pending energy dues. Regarding the enforcement dues which pertain to first floor of the applied premises whereas the complainant has applied for new connection for the second floor, therefore these dues are not recoverable from the complainant.

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To sum up, the first two objections of OP needs to be cleared by the complainant which are regarding MCD booking and Pole encroachment. The complainant has to produce BCC or NOC from the MCD for release of new electricity connection and has also to remove pole encroachment. Regarding the other two objections of OP, i.e. building height more than 15 meters and pending enforcement dues, these two objections of OP are not sustainable. Regarding energy dues, OP has only claimed a pro-rata share from the complainant which are payable by the complainant before release of the new electricity connection.

Therefore, we are of considered opinion that the new electricity connection applied for by the complainant can only be granted on production of BCC/NOC from MCD and removal of pole encroachment.

ORDER

The complaint is rejected. For release of new electricity connection the complainant has to produce BCC/NOC from MCD and removal of pole encroachment.

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.

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(H.S.SOHAL)
MEMBER

(P.K. AGRAWAL)
MEMBER (LEGAL)

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

(P.K.SINGH)
CHAIRMAN
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