

C A No. Applied for
Complaint No. 165/2024

In the matter of:

Kamla Devi

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Ouorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Deepak Pathak, Mr. R.S. Bisht, Ms. Chhavi Rani, Mr. Akshat Aggarwal & Mr. Lalit, on behalf of respondent

ORDER

Date of Hearing: 29th August, 2024

Date of Order: 03rd September, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. 59, First Floor, Gali No.-2, Mandoli, Delhi-110093, vide request no. 8006812608. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Required AB Cable and Pole.

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Secretary,
CGRF (BYFLY)

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for one new connection at property bearing no. 59, First Floor, Gali No.-2, Mandoli, Delhi-110093, vide request no. 8006812608. The application of the new connection was rejected on account of pole encroachment of LT AB Cable and LT Pole is touching the said premises. The original building consists of Ground and First Floor. However the applied connection is for first floor. Thus, it is respectfully submitted that the connection has been rejected on two grounds.

Reply further added that the subject premise is situated below 66 KVA/HT K lines. During the site inspection it was found that the LT AB Cable and LT Pole are touching to the premises therefore it is not technically feasible to install the connection as same could risk and endanger the lives of the occupant. Accordingly, the application for connection was rejected. The connection cannot be granted ignoring the existing technical feasibility as it may cause danger to the life and property.

The contention of the complainant that there exists a connection in the premises holds no ground as Notice has been served.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant is entitled to get the connection released in his name upon his property. It is further submitted that one electricity connection already installed in the name of the complainant vide CA No. 101556116 and further the OP issued accessibility notice to the complainant after filing the complaint by him before the Hon'ble Forum. Rejoinder further submitted that the property of complainant is not touching with the alleged pole of the OP in any kind as the said pole has maintained the correct distance from the premises of the complainant.

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4. Heard arguments of both the parties were heard at length.
5. Before disposal of this complaint, relevant Regulations are stated here. Regulation 60 & 61 says:-
 60. Clearance from building 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 650V 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, verandah roof and lean-to-roof -
 - (a) when the line passes above the building a vertical clearance of 2.5 meters from the highest point, and
 - (b) when the line passes adjacent to the building a horizontal clearance of 1.2 meters from the nearest point, and
 - (ii) for pitched roof-
 - (a) When the line passes above the building a vertical clearance of 2.5 meters immediately under the line, and
 - (b) When the line passes adjacent to the building a horizontal clearance of 1.2 meters.
 - (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 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.

61 Clearances from buildings of lines of voltage exceeding 650V : (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 exceeding 650 V passes above or adjacent to any building or part of the 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 Volts 3.7 meters

Upto and including 33,000 volts

(ii) For lines of voltages exceeding 33 KV 3.7 meters plus

0.30 meter for ever

additional 33,000 volts 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 Volts 1.2 meters

Upto and including 11,000 volts

(ii) For lines of voltages exceeding 11, 000 V 2.0 meters

And upto and including 33, 000 V

(iii) for lines of voltages exceeding 33 KV 2.0 meters plus 0.3 meter
for

every additional 33,000 volts
or part thereof.

Provisions for electrical safety in the DERC Regulations are 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.

6. From the narration of facts and material placed before us we find that the premise of the complainant where new connection is applied for is completely touching the electricity pole and as per OP's version the said pole is 66 KVA/HT line. This contention of OP is also evident from the photograph placed on record.

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OP has given legal accessibility notice under the provision of Central Electricity Regulatory Authority, Regulations 2010, Sub-Regulation 63(2)(iv) based on objection of department that complainant has extended the premises by way of unauthorized construction. The distance between the pole and premises has narrowed down as a consequence the pole is touching the wall of the building.

7. In view of the above, we are of considered opinion that the new connection application of the complainant is not feasible. OP has rightly rejected the application of new connection of the complainant.

ORDER

The complaint is rejected. OP is rightly rejected the application of the complainant for new connection.

The case is disposed off as above.

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



(P.K. SINGH)
CHAIRMAN



(S.R. KHAN)
MEMBER-TECH



(P.K. AGRAWAL)
MEMBER-LEGAL



(NISHAT AHMAD ALVI)
MEMBER-CRM



(H.S. SOHAL)
MEMBER

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CGRF (DYP)