

C A No. Applied for
Complaint No. 599/2024

In the matter of:

Meenakshi Sharma

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Kshitij Mahipal & Mr. Neeraj Kumar, Counsels of the complainant alongwith complainant
2. Mr. Akash Swami, Mr. R. S. Bisht, Mr. Vinay Kumar Singh, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 06th February, 2025

Date of Order: 14th February, 2025

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connection vide request no. 8007008782 at premises no. E-30, GF, E-block, Kotla Feroze Shah, Delhi-110002. The application of the complainant for new connection was rejected on grounds of BYPL pole found encroached upon by the applicant.

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The complaint also stated that the forefathers of the complainant were allotted the subject property and in the year 2008 the complainant i.e. Meenakshi Sharma got the tenancy transfer in her favour from Ministry of Urban Development Land and Development office, Nirman Bhawan, Delhi vide letter no. L&DO/RPCell/E-30, KFS/84 dated 13.03.2008. The complainant intended to renovate and reconstruct the subject property and wrote letters to MCD for permission, but all went in vain. It is further added that the already two electricity connections were installed in the subject premises which were surrendered by the complainant before starting construction and thereafter the complainant applied for new electricity connection on temporary basis which was granted by OP to the complainant.

After commencement of the construction work, some officials of MCD demolished a little portion of the property without giving any notice or prior intimation and also disconnect the temporary electricity connection. Now the construction work is complete and the complainant has requested to release the new electricity connection as applied for by her and also requested for shifting of electricity pole.

2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity DX connection for premises bearing address E-30, GF, E-block, Kotla Feroze Shah, Delhi-110002 vide application no 8007008782. The application of the complainant for new connection was rejected on following grounds:

Firstly; applied premise has encroached upon HT/LT lines and BSES-YPL electric pole. Accordingly, in violation of Regulation 61 of Central Electricity Authority (measures relating to safety and electric supply) Regulations 2010.

Secondly; complainant has not filed any valid and updated title/tenancy document as the one filed is of the year 2008.

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3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the action on the part of the respondent is violation of Article 14 of the Constitution of India as the other residents of the locality who had encroached the electricity pole, wires and distribution box and even have unauthorized construction in their properties are enjoying the electricity and water supply.

Rejoinder further stated that the complainant had already approached OP for shifting of electricity pole and is also ready to bear the cost of shifting, but OP vide its letter dated 30.09.2024, rejected the application of the complainant for pole shifting on technical grounds. It is also mentioned that another premise in the same locality has also encroached the BSES pole and is enjoying electricity freely.

Complainant further submitted that the complainant has already filed valid proof regarding ownership/occupancy with respect to the subject premises.

4. Heard arguments of both the parties length.
5. 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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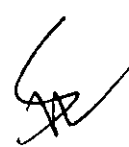
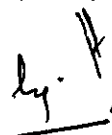
Provision of the Rule 79 & 80 of Electricity Rules 1956 is as follows:

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 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 -

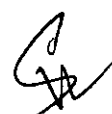

(i) for lines of voltages exceeding 650 V - 1.2 metre;
and upto and including 11 KV

(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.

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(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

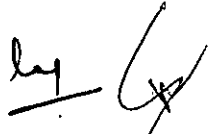

Explanation: - For the purposes of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary.

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.

6. From the perusal of the records, photographs and pleading of both the parties, we find that the complainant raised two complaints by the way of this complainant first; to install a new electricity meter and second to shift the existing pole. It is clearly evident that the pole is totally encroached by the complainant inside her premises.

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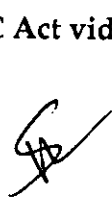
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From perusal of the photographs of the premise of the complainant, the Distribution Box and LT cable is totally inside the premise of the complainant. LT cable is passing from the premise of the complainant and lying on the floor of the roof of the premises.

- The complainant during arguments pleaded that the property in question was allotted to her forefathers and same has now been transferred to her name in the year 2008. Since 2008 the complainant has not approached OP for shifting of the pole, as before construction said pole was outside the premise of the complainant and the complainant at the time of reconstruction of the premises encroached the pole inside her premises and now asking for shifting of pole. The pole is on Municipal land and now after re-construction the same has been encroached by the Complainant inside her premise itself shows that the construction done by complainant is unauthorized.

The complainant in her complaint has mentioned that she has filed an appeal vide appeal no. 496/2023 against MCD for illegal booking of subject property under unauthorized construction without giving any show case notice and personal hearing to complainant and also without passing any speaking order against the complainant and the said appeal is still pending before the MCD Appellate Tribunal.

The complainant has also approached Civil Court for direction to BSES and DJB for restoration of electricity and water supply respectively at her premises no. E-30, Kotla Ferozshah Colony, Vikram Nagar, New Delhi-110002. From perusal of the orders of Hon'ble Civil Judge, Tiz Hazari Courts in Suit No. 1361/2020 order dated 19.10.2022, it is clearly mentioned in para 4 of the order "that unauthorized construction has been carried out at Ground floor and First floor of the property no. E-30, Vikram Nagar, Firozshah Kotla, New Delhi and therefore the property has been booked under Section 343/344 of DMC Act vide File no. 

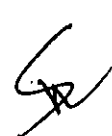
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441/B/UC/EE(B)-1/CNZ/19 dated 19.08.2019 and the demolition orders have already been passed in respect of the said unauthorized construction. That after initiation of demolition proceedings against the property in question, a letter bearing no. 301/AE(B)-IV/CNZ/2019 dated 16.09.2019 was sent to the concerned authorities of BSES and DJB for disconnection of electricity and water supply." The said suit was dismissed by Civil Court vide order dated 19.10.2022. Before this suit the complainant has filed one more suit in Civil Court on the same subject which was also dismissed by Civil Court vide order dated 07.04.2021.

7. In view of the above deliberations, we are of the considered opinion that the complainant has done illegal construction and encroached the pole inside his premises. The complainant should stop Forum/Court hunting and should remove illegal construction. No connection should be granted to the complainant until the illegal construction is removed by the complainant.
8. Therefore, 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, 2023, Sub-Regulations 63 (2) (iv) based on objection of department that complainant has extended the premises by way of unauthorized construction. The pole has been totally encroached by the complainant inside his premises. 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.

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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.

on leave
(H.S.SOHAL)
MEMBER

by
(P.K. AGRAWAL)
MEMBER (LEGAL)

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

[Signature]
(P.K.SINGH)
CHAIRMAN

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