



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

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SECY/CHN 013/08/NKS

C A No. 154358754

Complaint No. 365/2024

In the matter of:

Mohd Nizam

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

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

Appearance:

1. Mr. Imran UI Haq Siddiqi, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S Bisht, & Mr. Akshat Aggarwal, on behalf of respondent.

ORDER

Date of Hearing: 20th March, 2025

Date of Order: 25th March, 2025

Order Pronounced By:- Mr. H.S. Sohal, Member

1. The brief facts of the case giving rise to this grievance are that the complainant is using electricity vide connection having C Ano. 154358754. He applied for Pole Shifting from the front of his premises having no. R- 143, Gali No.-7, Ramesh Park laxmi Nagar, Delhi -1100092.

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2. OP in its reply submitted that the complainant is seeking shifting of electricity pole claimed to be existing in front of property no. R- 143, Gali No.-7, Ramesh Park, Laxmi Nagar, Delhi -1100092. Reply further submitted that earlier complainant Mohd Nizam and others claiming to the owners of various floors of subject property applied for new connections which were rejected on the issue of pole encroachment leading to filing of complaint before the Forum vide complaint no. 278/2023.

Against the said complaint, the OP filed its reply mentioning that the complainant had illegally titled the pole which is apparent from the picture taken at different times by officials of respondent during site visits after application of the complainant for new connections. OP also lodged police complaint against Sh. Nizam on 24.07.2023. CGRF, vide its order dated 06.10.2023 stated that "respondent also submitted photographs of the site which shows that the upper half of the pole was totally inside the building which was later on tilted in the front of the building. The complainant was directed to remove the encroachment from the pole and thereafter applied for fresh new connections."

3. Counsel for the complainant filed rejoinder and refuted that contentions of the respondent as averred in their reply and submitted that the complainant has applied for new connections in his premises bearing no. R-143, Gali no.7, Ramesh Park, Delhi, and said applications of the complainant were rejected by OP on ground of pole encroachment and subsequently the complainant approached this Forum vide C.G. No. 278/2023 for release of his new electricity connections. The Forum vide its order dated 06.10.2023 directed the complainant to remove the pole encroachment and thereafter apply

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After the orders of the Forum, the complainant approached the OP for correcting the position of the tilted pole and all the expenses for pole straightening will be borne by the complainant, but no action was taken by OP. The complainant also wrote letters to the office of OP on dated 22.04.2024 and 16.05.2024, but he received no reply from the respondent. Thereafter, the complainant approached this Forum via this complaint for directions to OP for correction of tilted pole.

4. During the course of arguments, OP stated that it is not possible to give estimate of the correction/straightening of the tilted pole without demolishing of extended balcony or wall by the complainant. Both the parties were directed to visit the site and OP's officials would inform and mark the area which needs to be demolished by the complainant before correction of the pole. Thereafter, the complainant should take action accordingly.
5. OP via their e-mail dated 11.12.2024 submitted that joint inspection was carried out on 09.12.2024 by SD officials, Safety officer and representative of the complainant Imran Siddiqi, and following suggestions were given:
 - i) For Horizontal clearance, consumer needs to remove upto 67 cm from pole to make pole and network maintainable.
 - ii) For Vertical clearance, consumer needs to maintain approx 2 meter clearance from top of pole to maintain/replace the pole in future.
 - iii) Space to be maintained, 2 feet left and 2 feet right of pole to make DB and pole maintainable after property alignment of pole.

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6. The complainant filed additional submissions along with site photographs to show that as per the directions of OP he has removed the encroached portion of his premises. The required chajja/structure near the pole has been removed; same is also evident from the photographs which he has filed with the additional submissions.
7. During the final hearing of the case on 25.02.2025, the OP stated that they would provide the estimate for pole straightening/correction to the complainant and after payment of the said estimate, the complainant can apply for fresh new connection and same would be provided to him.

ORDER

The complaint is allowed. OP is directed to provide the estimate for pole correction/straightening to the complainant and after payment of the said estimation amount by the complainant ~~the~~ the OP will take corrective action. Thereafter, the complainant will apply for the new connection and same should be released by OP after completion of other 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.

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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.


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K.SINGH)
CHAIRMAN

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