



C A No. Applied for
Complaint No. 205/2025

In the matter of:

Mohd Rafik

.....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. I U H Siddiqi, Counsel of the complainant
2. Mr. R.S. Bisht & Mr. Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 19th August, 2025

Date of Order: 25th August, 2025

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for renew electricity connection at premises no. 154, 1st floor, plot no. 23, Gali no. 8, Bihari Colony, Delhi-110032 vide request no. 8007443830. It is also his case that the application of the complainant for new electricity connection was rejected on grounds of ownership dispute/court case, MCD, NOC or completion and occupancy certificate required. Also there is improper clearance or pole encroachment at the site.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection at first floor of property bearing no. 154, Plot no. 23, Gali no. 8, Bihari Colony, Delhi-110032 vide request no. 8007443830. OP further submitted that the application of the complainant for new connection was declined due to following reasons:

- a) Ownership dispute/court case
- b) NOC/completion and occupancy certificate required from MCD.
- c) As per inspection report dated 03.2.2025, applied premises is booked for unauthorized construction and its chhajja is outside the premises.

Reply further stated that the site where new connection has been applied was visited by O&M officials on 06.05.2025 and observed as under:

- Applied building comprises of ground floor+ mezzanine floor+ first floor+ second floor+ third floor+ fourth floor + fifth floor.
- Applied building is parallel to the existing electricity pole which is tilted towards the road and distribution box opens in its balcony.
- Consumer has fixed cardboard on his balcony.
- There are four buildings existing at address 154, Bihari Colony.
- Applied building has only one temporary meter no. 35954602 and just adjacent building have three electricity meters.

3. Counsel for the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply and submitted that there is sufficient space between the pole and the balcony/chajja of the complainant's building. The complainant also attached photographs of the site to show the distance between the chajja and the pole.



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4. Arguments of both the parties were heard.
5. Legal Representative of the BYPL has argued on basis of evidence available on record. An accessibility notice has been given to one consumer of the same building. Electricity connection to complainant cannot be given in view of Safety.
6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

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.

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7. The factual position of the case, as apparent from the inspection report and document, the distance of premises from concerned electricity pole is not 1.2 meter as required by the above mentioned law. The pole is adjacent to building. Even as per law as mentioned in Regulation 60 (3) of above Regulation 2010 if the distance is less than 1.2 meter, connection can be given if it is adequately insulated. There is no dispute regarding the fact that the supply of electricity is totally through insulated wire. Hence, on this very ground complainant cannot be deprived of the electricity connection.

Regarding the other objections of OP of MCD NOC or completion and occupancy certificate and ownership dispute/court case, no details are filed by OP along with their reply.

8. 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.
9. Therefore, we are of the considered view that the respondent may be directed to provide the connection.

ORDER

The complaint is allowed. OP is directed to release the electricity connection as applied for by the complainant vide request no. 800743830 at premises no. 154, 1st floor, plot no. 23, Gali no. 8, Bihari colony, Delhi-110032 after completion of other commercial formalities as per DERC Supply Code 2017 and after giving the undertaking regarding the fact that he will be responsible for any mis-happening due to improper clearance from the pole.

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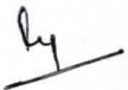
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OP is directed to file compliance report within 21 days of the action taken on this order.

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.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K.SINGH)
CHAIRMAN

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