



(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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SECTION DISBANK

C A No. Applied For
Complaint No. 47/2024

In the matter of:

Nargis Parveen

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (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. Ms. Ritu Gupta, Mr. Akshat Aggarwal & Ms. Chhavi Rani On behalf of BYPL

ORDER

Date of Hearing: 14th May, 2024

Date of Order: 16th May, 2024

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

1. The present complaint has been filed by Ms. Nargis Parveen against BYPL-Nand Nagri. The brief facts of the case giving rise to this grievance is that the complainant applied for new electricity connections vide request no. 8006657517 and 8006657492 at premises no. B-26, S/F, Back Side, Kh. No. 945/861-862/639/81, Gali No. 3, Jyoti Colony, Delhi-110032, but respondent rejected the application of

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the complainant for new connections on the pretext of "Meter removal of existing temporary meter required for meter no. 55357457 and Pole encroached". Therefore, she requests the Forum to direct the respondent for release of new connections.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking two new electricity connections for the front and back side of the second floor of premises bearing no. B-26, S/F, Back Side, Kh. No. 945/861-862/639/81, Gali No. 3, Jyoti Colony, Delhi-110032. The complainant applied for new connections vide application no. 8006657517 and 8006657492. The said applications stand rejected on account of pole encroachment. Site was visited and on site visit it was found that complainant had indulged in unauthorized construction to such an extent that BSES-YPL pole was taken inside the premises. To this effect accessibility notice was also issued on 03.08.2023 whereby complainant was duly intimated to maintain the requisite distance from pole.
3. In response to the reply, the complainant filed rejoinder refuting therein the contentions of the respondent as averred in their reply. The counsel for the complainant stated that the OP has not released the electricity connection as per the request of the complainant which is violation of DERC Rules and Regulations on the part of the OP. It is further submitted that electricity connection is permissible to be release to the complainant as the complaint of the complainant is very well maintainable on the facts and law but the OP has not release the electricity connection intentionally which is against the law of DERC Rules and rejected the request of the complainant.

[Handwritten signatures and initials]

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4. OP stated that as per Regulation 60 & 61 of the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations 2010 clearly stipulates the following minimum horizontal and vertical clearance mandatorily required to be maintained from the electricity mains/installations for any building/structures, balconies/verandas/roof/chajjas where an extra High Voltage/High Voltage or Medium/low voltage line passes above or adjacent to such building or part of a building to avoid any electrical accident. They have issued the complainant notice under this section.
5. Arguments of both the parties were heard at length.
6. 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 extended chajja.
7. 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 -

See *in* *the* *diagram*

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- (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. |

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(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:-

5. 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.

8. The factual position of the case, as apparent from the pictures and documents placed on record shows the distance of premises from concerned electricity pole is not 1.2 meter as required by the above mentioned law. The complainant has re-constructed his building and at the time of re-construction has grabbed the pole inside the premises wall. Since the wires from the pole are insulated but the pole is completely inside the wall, the complainant has only removed the cement from the walls to show that he has removed the encroachment. Also, there is no connection in the applied premises from the concerned pole only a temporary connection is installed in the applied premises and OP has issued accessibility notice against the said temporary connection.

9. We are of the view that it is not feasible to grant new electricity connection as per prevailing rules and regulations stated above. Therefore, complainant should remove the illegal construction and maintain proper distance between the pole and the wall for release of new electricity connection.

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ORDER

Complaint is rejected. OP has rightly rejected the application of the complainant for pole shifting.


The case is disposed off as above.

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


(S.R. KHAN)
MEMBER-TECH


(P.K. SINGH)
CHAIRMAN


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

(H.S. SOHAL)
MEMBER