

C A No. Applied for
Complaint No. 558/2024

In the matter of:

Priya Kaushik

.....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. Neeraj Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R. S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 25th February, 2025

Date of Order: 28th February, 2025

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8007159248 at premises no. B-23, B-24, 3rd floor, N Jwala Nagar, Delhi-110032 but respondent rejected the application of the complainant on the grounds of pole encroachment, but complainant stated that OP has released many connections from the said pole.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new electricity connection under domestic category at B-23, B-24, 3rd floor, N Jwala Nagar, Delhi-110032 vide request no. 8007159248. The said application of the complainant was rejected on account of applied premises found unsafe since it has encroached upon the electricity pole of BSES YPL.

Hence, Violation of the provisions of Electricity Act & Regulations found in respect of DERC (Supply Code & Performance Standards) Regulations, 2017.

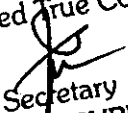
3. Counsel for the complainant stated that he did not want to file rejoinder. However, he filed some site photographs, which were taken on record. The complainant also pleaded that connections were given to other floors in the same building.

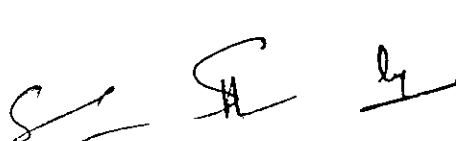
4. Heard arguments of both the parties at length.

5. Before disposal of the complaint, relevant Rules and Regulations may be referred to.

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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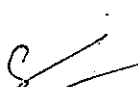
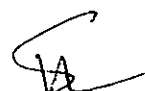
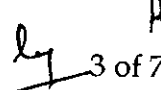
Provision of the Rule 79 & 80 of Electricity Rules 1956 is as follows:

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 narration of facts and material placed before us, it can be seen that the applications of the new connections of the complainant were rejected by OP on the grounds of pole encroachment. From the perusal of the photographs placed on record, it is clearly evident that the complainant has covered the electricity pole.

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7. The complainant submitted that the OP has granted electricity connections to the other floors despite the alleged pole encroachment.

The details are given below:

CA No.	Floor	Date of energization
151488815	no floor	02.06.2015
151547877	first floor	08.08.2015
153688689	UGF	24.02.2022
153845382	Ground	17.06.2022

Though we cannot order grant of electricity connection on the basis of negative parity as prohibited by Hon'ble Delhi High Court in M/s Azea Vs State of NCT of Delhi WP(c) 453/2019, it is pertinent to ask how the OP has granted connections to the other floors.

CEO, BYPL will cause enquiry as to how the electricity connections were given as detailed above in violation of safety regulations and what action has been taken after pole encroachment has been noticed.

8. Therefore we find that 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 distance between pole and premises has narrowed-down as a consequence the pole is touching the extended balcony. The OP has rightly rejected the applications of the complainant for new connection 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.


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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