



C A No. Applied For
Complaint No. 35/2024

In the matter of:

Reehana

.....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. Shanky RS Gupta, A.R. of the complainant
2. Ms. Ritu Gupta, Mr. Akshat Aggarwal & On behalf of BYPL

ORDER

Date of Hearing: 16th April, 2024

Date of Order: 22nd April, 2024

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

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1. This complaint has been filed by Ms. Reehana against BYPL-Nand Nagri. The brief facts of the case giving rise to this grievance are that Ms. Reehana applied for new connection vide request no. 8006693062, ONNG0712230679, at premises no. 20-A, 3rd Floor, Balbir Nagar Extension, Shahdara, Delhi - 110032, but OP rejected the application for new connection on pretext of "Pole found encroached upon by applicant", but complainant stated that there is no pole encroachment.

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for the applied floor. All floors are energized by BSES and all the wires are insulated wires so no question of safety arises. He further stated that pole ends below the applied floor. Therefore, she requested the Forum to direct the respondent for release of new connection.

2. OP in its reply briefly stated that the present complaint has been filed by the complainant seeking new electricity connection for the third floor of premises bearing no. 20-A, Balbir Nagar Extn. Shahdara, Delhi-110032. The complainant has sought a domestic connection for 1KW vide request no. 8006693062. Upon site visit it was found that the building structure consists of the Ground and three floors over it and that the upper portion of the electricity pole is entirely encroached by the extended portion of the balcony and as such the pole is between the two premises. It is submitted that three electricity connections exist in the subject premises. The encroachment of pole is from first floor onwards. The detail of connections existing on first and second floors are as flows:


S. No.	NAME	CA No.	FLOOR
1	Munawar Ali	151083171	F/F
2	Firoz	151888077	S/F

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Reply further stated that accessibility notices dated 01.08.2023 have already been served to the electricity connections mentioned at serial no. 1 and 2. It is further submitted that the application of the complainant was rejected due to the encroachment of the pole. A letter dated 11.01.2024 was also sent to the complainant in respect of violation of minimum clearance between the premises and electrical installations.

3. A.R. of the complainant stated that he did not want to file rejoinder

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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 now the pole is inside 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 -

(a) when the line passes above the building a vertical clearance of 2.5 meters from the highest point, and


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(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:-

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- | | |
|--|-------------------------------|
| (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. |

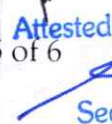
Provisions for electrical safety in the DERC Regulations are as under:-

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.

7. During the course of arguments following facts were revealed:-

- That the complainant applied for new electricity connection on third floor of premises no. 20-A, Balbir Nagar Extension, Shahdara, Delhi-32.
- That the pole in question is having height till first floor and the premises where complainant has applied for new connection is third floor.
- That OP has released connections from the said pole to the adjoining building whose balcony is extended and on the ground floor and first floor of applied building.
- That the complainant has removed the extended balcony/chajja.

The pole in question is alive pole and is catering electricity to the ground floor and first floor of the applied building. Also, OP has released the new connection in the adjoining building whose balcony is also extended. Forum in its earlier orders have given connections to the buildings where pole is encroached but not grabbed inside the walls of the building. In the present case the pole's height is till first floor and complainant has applied for new connection on third floor and also the complainant has removed the encroached balcony/chajja.

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On that fact that 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 provided totally through insulated wire. Hence, on this very ground complainant cannot be deprived of the electricity connection.

Thus we are of the considered view that there is no violation of Electricity Act and Regulations of 2017 aforesaid and Regulation 11 (2) (iv)(c) of Regulation 2017 is no more a hindrance in granting the electricity connection in the applied premises. While various courts provide electricity as basic necessity as follows:

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.

Thus, the objection of the OP is no justified and we cannot deprive the complainant of electricity. Therefore, OP is hereby directed to grant the application of the complainant for electricity connection in the applied premises.


ORDER

The complaint is allowed. OP is directed to release the new connection to the complainant after filing an undertaking by the complainant that he would not breach the distance between his building and the pole.

The case is disposed off as above.

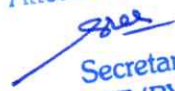
No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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CGRF (BYPL)