



C A No. Applied For  
Complaint No. 383/2024

In the matter of:

Seema & Pankaj Kumar .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)

Appearance:

1. Mr. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Chhavi Rani, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 03<sup>rd</sup> October, 2024

Date of Order: 07<sup>th</sup> October, 2024

Order Pronounced By:-Mr.Nishat A Alvi, Member (CRM)

1. Present complaint has been filed by the complainants thereby alleging that the complainant applied for three connections in their premises being 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors of premises no. 25/78, West Patel Nagar, Delhi-110008 vide requests no. 8006972681, 8006972682 and 8006972684, for domestic purpose. The said request for the connection was declined by OP on false and frivolous ground that there is encroachment and a court dispute. Complainant has prayed for the release of the new connection and the compensation.

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2. In reply to the complaint, OP by filing its reply alleges that on request for new connection, the site was visited and it was found that the building structure consists of basement + parking + four floors over it with UGF and 1<sup>st</sup> floor as duplex house that is one dwelling unit. A meter bearing no. 70360169 is existing of a temporary connection, and the AB cable passing through was touching the applied property/building. As such for getting new connection as applied for prior removal of existing meter is necessary. Regarding connection in duplex aforesaid it being one unit only one connection can be given. Reply also referred unified building bye laws 2016 thereby stating that electric supply lines are required to maintain a distance of 1.2 meters horizontal and 2.5 meters vertical beside Regulation 60 & 61 of Central Electricity Act 2010 providing the same distance. The existing AB cable does not maintain the aforesaid distance hence providing connection in applied premises shall be in violation of these provisions of law. In respect of connection already granted in adjoining building OP states that they have already issued accessibility notices to the connection holders.
3. In rejoinder to the reply, with respect to the plea of existing temporary meter, complainant states that they are ready to surrender the same. Other objection of release of only one connection for UGF and 1<sup>st</sup> floor, considering the same as duplex, rejoinder states that complainants require connection on the first floor only. With respect to the objection of AB cable encroachment, the rejoinder states that OP has already released several connections in the adjoining building. Last one being on 07.07.2023 vide CA no. 154182686, while the AB cable is touching that building. But so far as applied building is concerned it is not only maintaining a distance from the AB cable but also the cable passing through is an insulated one.

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With respect to the accessibility notice to adjoining building pleading nature of cable as insulated, rejoinder term the same as misconceived as bye laws mentioned by OP are not applicable where the insulated cables are being used.

4. In support of their respective contentions' complainant has placed on record photographs of the applied premises showing the AB cables and the bill of the connection in adjoining building. OP has placed on record its IR, accessibility notice and the deficiency letter.
5. Heard and perused the record.
6. As per pleadings there were three objections of OP in granting the connections applied for. Out of which objection of existing temporary connection no more survives as complainant undertake to surrender the same. The other objection that OP can release only one connection for UGF and 1<sup>st</sup> floor, both floors being part of duplex, complainant clarifies that they are seeking one connection at first floor only, hence, this objection also no more survives. Regarding 3<sup>rd</sup> objection of touching the building of the complainants by the AB cable. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.
7. As per Provision of the Rule 79 & 80 of Electricity Rules 1956 required distance is as follows:

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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.

8. Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010 is as follows:

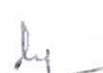
**60. Clearance from buildings of lines of voltage and service lines not exceeding 650 Volts.-**

(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.

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(2) Where an overhead line of voltage not exceeding 650 V 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, varandah roof and lean-to-roof-

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

- (b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres from the nearest point, and

(ii) for pitched roof-

- (a) when the line passes above the building a vertical clearance of 2.5 metres immediately under the line, and

- (b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres.

(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 a 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.

9. To sum up as per these bye-laws and Regulation 60 (2) (i)(b) minimum horizontal distance of 1.0 meter is required. But further this Regulation in its Sub-Regulation 3 provides that in case of conductor having lesser distance than required as above the same shall be adequately insulated.

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Meaning thereby, as per Regulation 60 (3) of CEA Regulations 2010, even if the distance is less than the specified distance, the connection can be given provided the cable is adequately insulated. This fact also gets strength by the fact that OP has granted a connection in the adjoining building where the AB cable is on a lesser distance than from the applied building. There is no dispute regarding the fact that the supply of electricity is through a totally insulated wire.

10. 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 and Regulation 60 & 61 of CEA Regulations 2010 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.

11. 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.

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ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainants after completion of all the commercial formalities on the condition of complainant's prior undertaking that in case there be found any violation of Regulation 60(3) of Central Electricity Authority 2010, in future leading to any mis-happening, the complainants shall be responsible for the same and OP within its right shall be entitled to disconnect the connection granted without any objection of complainant.


This Order shall be complied with 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 the instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Orders are not appealed against within the stipulated time or no interim stay thereon has been granted by the Ombudsman, the same shall be deemed to have attained finality.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.

  
(NISHAT A ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(P.K. SINGH)  
CHAIRMAN

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