

**C A No. Applied for**  
**Complaint No. 588/2024**

**In the matter of:**

Siya Devi

.....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. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

**ORDER**

Date of Hearing: 06<sup>th</sup> February, 2025

Date of Order: 13<sup>th</sup> February, 2025

**Order Pronounced By:- Mr. H.S. Sohal, Member**

1. The brief facts of the case giving rise to this grievance are that the complainant applied for three new electricity connections at premises no. G-175/69, Block-G, Punjabi Basti, Baljeet Nagar, Near Nepali Mandir, Delhi-110008, vide requests no. 8007196162 & 8007196148. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of BYPL Pole found encroached upon by applicant, Accessibility notice served BP-910420877.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new connections at the premises no. G-175/69, Ground & First Floor, Punjabi Basti, Baljeet Nagar, Near Nepali Mandir, Delhi-110008, vide requests no. 8007196162, 8007196148. The application of the new connection was rejected on account of applied premises has encroached BSES-YPL Electric Pole. Accordingly, in violation of Regulation 61 of Central Electricity Authority (measures relating to safety and electric supply) Regulations 2010.

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

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has not encroach the portion of the pole, the pole is having distance of 4 -5 feet from the premise of the complainant. The pole is in curve condition towards the property of the complainant and despite the pole is having distance from the property of the complainant; OP has not released the new electricity connections to the complainant. In this regard, the complainant filed photographs alongwith rejoinder for clearance of the same.

4. Heard arguments of both the parties.

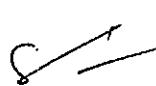
5. Before disposal of the complaint, relevant Rules and Regulations should be dealt with.

DERC Regulation 11 (2)(iv)(c) of DERC Supply Code 2017, states

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(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.

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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Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2023 is as follows:

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<br>and upto and including 33 KV | - | 3.7 metre;  |
| (ii) for lines of voltages exceeding 33 Kv                                | - | 3.7 metre plus 0.30 metre<br>for every additional 33 KV<br>or part thereof. |



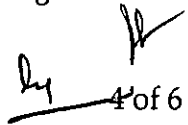
(3) The horizontal clearance between the nearest conductor and any part of such building shall, on the basis of maximum deflection due to wind pressure, be not less than -

- |  |   |  |
|--|---|--|
| (i) for lines of voltages exceeding 650 V<br>and upto and including 11 KV  | - | 1.2 metre;   |
| (ii) for lines of voltages exceeding 11 KV<br>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<br>every additional 33 KV or<br>part thereof. |

(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;

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Sl. No.	High Voltage direct current	Vertical Clearance (metre)	Horizontal Clearance (metre)
1	100KW	4.6	2.9
2	200 KW	5.8	4.1
3	300 KW	7.0	5.3
4	400 KW	7.9	6.2
5	500 KW	9.1	7.4
6	600 KW	10.3	8.6
7	800 KW	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. The factual position of the case, as apparent from the 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 and many connections have already been energized through the pole in question. There is no dispute regarding the fact that the supply of electricity is totally insulated wire. This Forum on earlier occasions also has allowed the connection where the pole is adjacent to the building but not totally encroached. Hence, on this very ground complainant cannot be deprived of the electricity connection.

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

ORDER


Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that he will be responsible for any mis-happening due to improper clearance from the pole.


This Order shall be complied 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 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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