

C A No. Applied for
Complaint No. 476/2024

In the matter of:

Subhash Chander

.....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)

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: 10th December, 2024

Date of Order: 13th December, 2024

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 temporary new electricity connection at premises no. US-19, GF, Gali No. 1, Uttri School Block, Mandawali Fazalpur, Near Pooliya, Delhi-110092, vide request no. 8007093333. The application of complainant was rejected by Opposite Party on the pretext the same matter has already been decided by this Forum and the application of the complainant was rejected as the premises are just under HT line and there are multiple DT dues.

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking for one new temporary non-domestic connection at premises No. US-19, GF, Gali no. 1, Uttari School Block, Mandawali Fazalpur, Delhi, Near Railway Puliya, Delhi-92. The reply further states that the application of the complainant has been rejected as the applied premises does not maintain requisite distance from HT line and further the instant complaint is hit by law of Res judicata as complainant's previous complaint for the same premises under DX category has been dismissed vide CG no. 23/2024.
3. Counsel for the complainant rebutted the contentions of the respondent was averred in their reply and submitted that the complainant is living in the applied premises since 1986 and a connection was energized in his premises with CA no. 151601067 and same has been disconnected in August 2019 on account of non-payment of dues. He further states that the premises are very old and the complainant wants temporary connection for construction on the applied premises for maintaining proper distance as per CEA Regulations 2010.
4. Heard arguments of both the parties.
5. From the narration of facts and material placed before us, it is admitted fact that the premises of the complainant are right under the way of HT line. From the perusal of the site photographs also, the HT line is clearly having its right of way through the premises of the complainant.

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6. As far as legal position is concerned, the provision for electrical safety and installation has been provided in Chapter 2, Regulation 5 of DERC (Supply code and performance standards) Regulations 2017, which is 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.

CENTRAL ELECTRICITY AUTHORITY (MEASURES RELATING TO SAFETY AND ELECTRIC SUPPLY) REGULATIONS, 2010, Regulation 61 deals with clearance from the 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. |

- (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.

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7. Thus, it is clear from the above that the premises of the complainant falls under the HT line and electricity connection cannot be given there.
8. Regarding the argument of the complainant that he is applying for the temporary connection for demolition of the existing premises, firstly the demand is unreasonable because heavy electrical machines are not required for demolition of the premises as depicted in the photographs, and secondly it does not meet the requirements of Regulation 16 of the DERC Regulations 2017, which is quoted below:

16. Temporary Connection:-

(1) The Licensee shall give temporary connection for short-term requirements such as marriages, religious functions, construction activities, exhibitions, cultural functions, etc. in places where the distributing main of the Licensee are in existence;

Provided that where the distributing main is not available, the temporary supply shall be given subject to electrification of area under Regulation 11(4) (ii) and 11(4) (iii):

Provided further that temporary connection will be given only in the cases of low tension and high tension categories.

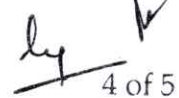
(4) The applicant shall give a declaration, that requisite No Objection Certificate (NOC) or permit, if required for the activity for which connection is applied for, is available;

Provided that in case Licensee comes to know that any permit or NOC is withdrawn by the competent authority after energisation of connection, the supply shall be disconnected forthwith under intimation to the consumer and shall be reconnected only after the permit or NOC is restored.

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9. It is clearly mentioned in Regulation 16(4) that the applicant shall give a declaration that requisite NOC or permit is available for the activity. In the present case the complainant has not placed on record any NOC or permit from the competent authority for re-construction of his property.
10. Therefore, in absence of the NOC or permit of the competent authority for re-construction of the premises by the complainant and also the fact that premises falls under HT line, temporary new connection application of the complainant cannot be granted.


ORDER


Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.


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.


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 3/12/24
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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