

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

Phone: 32978140 Fax: 22384886

E-mail:cgrfbyp@hotmai.com

SECY/CHN 015/08NKS

C A No. Applied for Complaint No. 549/2024

In the matter of:

Sudhir Kumar Gupta

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Nishikant Ray, 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: 09th January, 2025

Date of Order: 16th January, 2025

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Mr. Sudhir Kumar Gupta, against BYPL-Laxmi Nagar.
2. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. D-18, FF, Uncheper, Old no. D-16/1, Mandawali Fazalpur, Near Ram Kachori Wala, Delhi-110092, vide requests no. 8007101248.

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The application of complainant was rejected by Opposite Party on the pretext of pole inside the premises and meter already exist 35426410 and dues at site. The complainant stated that all flats in the building already have electricity connections.

3. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new connection at First floor of the property bearing no. B-18/B, Uncheper, old no. D-16/1, Mandawali Fazalpur, Near Ram Kachori Wala, Delhi, vide request no. 8007101248. The application of the new connection was rejected on following reasons:

Firstly, the applied premises are completely unsafe and do not meet the technical feasibility for grant of new connection as 'BYPL pole found encroached.'

Secondly, meter already exist in the name of Sheela Doki having CA no. 100961366.

Thirdly, there exist pending enforcement dues against the CA no. 400003191.

During the inspection made by respondent it was found that the BSES Pole was found encroached by the complainant and the premises of the complainant had been found constructed in violation of the provisions of Regulations 63 of the Central Electricity Authority (Measure relating to Safety and Electric Supply) Regulations, 2023 and Section 53 & 68 (5) read with section 161 of the Electricity Act, 2003. The existing meter bearing no, 35946783 removal is also required as per law.

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Regulation 63 of the Central Electricity Authority (Measure relating to Safety and Electric Supply) Regulations, 2023 clearly stipulates the minimum horizontal and vertical clearance mandatorily required to be maintained from the electricity mains/installations for any building/structures, balconies/verandas/roof/chajja were an extra High Voltage or Medium/Low voltage line passes above or adjacent to such building or part of a building to avoid any electrical accident.

4. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that he has enough space between the pole and the building and is as per DERC Regulations and no illegal construction has been done by the complainant. Rejoinder further stated that enforcement bill vide CA no. 400003191 in the name of Kamla Devi user Rajinder does not pertain to him.
5. Heard arguments of both the parties heard at length.
6. 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

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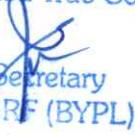
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Provision of the Rule 79 & 80 of Electricity Rules 1956 is as follows:

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, 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.

(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	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

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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.

7. From the narration of facts and material placed before us we find that the applications of the new connections of the complainant were rejected by OP on pretext of pole encroachment. From the perusal of the photographs placed on record, it is clearly evident that the complainant has completely covered the electricity pole within chajja/balcony. There is a serious security lapse on the part of the complainant. Hence, OP has rightly rejected the application of the complainant for new connection for the violation of law.

ORDER

The complaint is rejected. OP has rightly rejected the applications of the new connection 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.

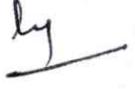
If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

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

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Secretary
CGRF (BYPL)


(H.S.SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(P.K.SINGH)
CHAIRMAN