



C A No. Applied for
Complaint No. 496/2024

In the matter of:

Sunil Kumar

.....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. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal on behalf of respondent

ORDER

Date of Hearing: 21st November, 2024

Date of Order: 29th November, 2024

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

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. H. No.-20/19, 2nd Floor, Hariom Gali No.-2, Babar Pur, Shahdara, Delhi-110032, vide requests no. 8007075457, 8007075381 & 8007075373. The application of complainant was rejected by OP on the pretext of Pole Encroachment at site, but complainant stated that the premises are not touched with electricity pole.

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CGRF (BYPL)

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking three new connections at the ground floor, first floor and second floor of the property bearing no. H. No.-20/19, Hariom Gali No.-2, Babar Pur, Shahdara, Delhi-110032, vide requests no. 8007075457, 8007075381 & 8007075373. The applications of the new connections were rejected on pretext of encroachment of the electricity pole situated in front of premises by illegal construction in order to increase her flat/house area in the manner that the electricity Pole is now at the border line of the above mentioned premises and the service cable is now mounted at the wall of the premises of the complainant. Hence, such illegal construction/structure is great danger to the public, human lives as well as their belongings as it may cause the any fatal accident at any point of time.

Regulation 60 & 61 of the Central Electricity Authority (Measure relating to Safety and Electric Supply) Regulations, 2010 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.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that there is sufficient space between the Pole and the balcony/chajja of the complainant building, which is clearly visible in attached photographs and as the network and the supply of electricity of the OP is of insulated wires, the OP is deliberately depriving the complainant from electricity which is a basic amenity.

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4. Heard arguments of both the parties were heard at length.
5. 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 extended his balcony/chajja till the electricity pole of OP. We also perused the title documents of the complainant, it clearly shows that at the time of purchase the said plot was vacant and the complainant after purchase of the said plot constructed the building, it shows that the complainant deliberately constructed till the BSES pole.
6. OP has rejected the applications of the complainant 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 the pole is touching the extended chajja.

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 :-

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- (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
 - (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.

(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
Upto and including 11,000 volts | 1.2 meters |
| (ii) For lines of voltages exceeding 11, 000 V
And upto and including 33, 000 V | 2.0 meters |
| (iii) for lines of voltages exceeding 33 KV
for | 2.0 meters plus 0.3 meter
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. Therefore, OP has rightly rejected the applications of the complainant for new connections for the violation of law.

ORDER


The complaint is rejected. OP has rightly rejected the applications of the new connections of the complainant, since the complainant failed to maintain the prescribed distance from the pole and has made encroachment that too without intimating OP.

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)
(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN