

C G R F



B Y P L

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 200
Sub-Station Building BSES (YPL) Regd. Office Karkardoom,
Shahdara, Delhi-11003
Phone: 32978140 Fax: 2238488
E-mail: cgrfbypl@hotmail.com
SECRETARY'S OFFICE

C A No. Applied for
Complaint No. 22/2025

In the matter of:

Sweta Kumari

.....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. Rakesh Kumar, A.R. for the complainant along with husband 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: 15th May, 2025

Date of Order: 20th May, 2025

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

1. The brief fact of the case giving rise to this grievance is that the complainant applied for new electricity connection at premises no. 978/1, Upper Ground Floor, Right Side, Old No. A/348/1-, Saraswati Gali, Mandawali, Delhi-110031, vide request no. 8007329294. The application of complainant was rejected by Opposite Party (OP) BYPL on the pretext of Mismatch between applied address and existing meter bill address, BYPL Pole found encroached upon by applicant (Pole Inside the premises).

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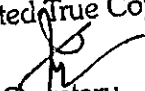
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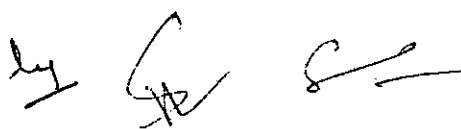
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But complainant stated that 8 or 10 electricity connections have already been installed in the same building. Further she also stated that she has already submitted an affidavit of acknowledgement, accepting full responsibility for any incidents related to the connection process.

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking new electricity connection at the property bearing no. 978/1, Upper Ground Floor, Right Side, Old No. A/348/1-, Saraswati Gali, Mandawali, Delhi-110031, vide request no. 8007329294. The application of the new connection was rejected on account of Address mismatch between applied premises and existing meter bill address and BYPL electricity pole found encroached upon by applicant. Respondent stated that after receiving request for new electricity connection, as per procedure of DERC 2017, premises was inspected by the officials on 02.12.2024 and it was noticed that there are several deficiencies which are in direct violation of DERC (Supply Code and Performance Standards) Regulations, 2017. As per site inspection report, building comprising of upper ground floor, ground floor, first floor, second floor, third floor, fourth floor, previous order/request no. applied for new connection is no. 8007267809 & 8007006163 due to pole inside building was rejected for the same reason. The fact has been concealed by the complainant/applicant.

Reply further added that complainant has taken the plea that earlier electricity connection bearing CA No. 153594630 registered consumer Sita Devi at the upper ground floor (left side) of same premises was installed on 13.12.2021 at that time no violation was noticed, later on when the officials noticed that the new construction has been carried out by extending chhajja on the public land encroaching the already existing BSIS-YPL Pole as such notice dated 25.11.2024 as per provision

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of Regulation 62 & 63 of CEA measure relating to safety and electricity supply Regulation 2023 and section 53 & 68 (5) read with section 161 of Electricity Act, 2003 was served upon the Registered Consumer Sita Devi. Therefore the complainant cannot take advantage of the fact that connection installed in the name of Sita Devi and denial of electricity connection to the application is arbitrary.

Complainant constructed premises in violation of Regulations 62 & 63 of CEA encroaching the already existing pole, which is against the safety norms/guidelines. Complainant has extended Chajja covering the already existing electricity pole having LT network in violation of Regulation 62 (1) of Central Electricity Authority.

3. In response to the reply the complainant filed rejoinder. The complainant stated that the connections have been installed by the respondent on all floors except the one in complainant; there is a staircase like path in the middle of the building. There is an electricity pole on the left side which is at a distance of 2.5 meters from complainant's floor. Complainant filed some photographs along with rejoinder which clearly show the electricity pole on the above mentioned property.
4. During the course of argument, OP filed site visit report which stated that Pole No. LNRK348 is touching the premises and there is no gap between pole and premises. Pole is completely encroached and we cannot replace/maintain this pole in such conditions. DB Box on pole is also not maintainable in such condition.
5. Heard arguments of both the parties at length.

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6. Before disposal of the complaint, relevant Rules and Regulations may be referred to.

DERC Regulation 11 (2)(iv)© 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.

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.-

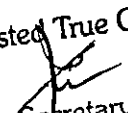
(1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.





(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 - 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.

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(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	100KV	4.6	2.9
2	200 KV	5.8	4.1
3	300 KV	7.0	5.3
4	400 KV	7.9	6.2
5	500 KV	9.1	7.4
6	600 KV	10.3	8.6
7	800 KV	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.

7. From the narration of facts and material placed before us, it can be seen that the applications of the new connections of the complainant were rejected by OP on the grounds of pole encroachment. From the perusal of the photographs placed on record, it is clearly evident that the complainant has covered the electricity pole.

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8. The complainant submitted that the OP has granted electricity connections to the other floors despite the alleged pole encroachment. The details are given below:

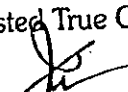
CA No.	Floor	Date of energization
153594630	UGF	13.12.2021

Though we cannot order grant of electricity connection on the basis of negative parity as Hon'ble Delhi High Court in the case of W.P. © 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."

Therefore we find that in the present case OP has rightly rejected the applications of the complainant under the provision of the Central Electricity Authority (Measure relating to Safety and Electric Supply) Regulations, 2023, Sub-Regulations 63 (2) (iv) based on objection of department that complainant has extended the premises by way of unauthorized Construction. The distance between pole and premises has narrowed-down as a consequence the pole is touching the extended balcony. The, OP has rightly rejected the applications of the complainant for new connection for the violation of law. It is very dangerous situation and there is possibility of mishap in future.


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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 sufficient distance from the pole and there are serious security concerns as stated above.


Regarding the already installed connections in the building, OP is free to take action as per law.

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.R. SINGH)
CHAIRMAN

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