

C A No. Applied for  
Complaint No. 413/2024

In the matter of:

Uma Aggarwal

.....Complainant

**VERSUS**

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P.K. Singh (Chairman)
2. Mr. Nishat Ahmad Alvi (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Kavya, Mr. Lalit & Akshat Aggarwal, on behalf of respondent

ORDER

Date of Hearing: 14<sup>th</sup> November, 2024

Date of Order: 29<sup>th</sup> November, 2024

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for a new electricity connection at premises no. C-92-A, Upper Ground Floor, Gali No.-8, Jyoti Colony, Delhi-110032, vide request no. 8007067778. The application of complainant was rejected by OP on the pretext of Pole encroachment (O&M mail upload), but complainant stated that three connections have already been installed but only her connection has been rejected.

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2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking for new connection at the premises no. C-92-A, Upper Ground Floor, Gali No.-8, Jyoti Colony, Delhi-110032, vide request no. 8007067778. The application of the new connection was rejected on account of pole encroachment and that fact that at subject premises there are five floors and five meters already exists.

Reply further stated that upon site visit on 18.07.2024 it was found that the building structure consists of the Ground floor plus four floors over it. As per site visit report, each floor above the ground floor has one dwelling unit. On the ground floor there is one shop and open space. In total there are five units i.e. four dwelling units and one shop and at present five electricity connections exist. Details of the connections are given in the table below:

S.NO.	CA NO.	Meter No.	Registered Consumer	Floor
1.	151252797	70172286	Uma Aggarwal	G/F
2.	101626945	11989334	Chando Devi	No Floor
3.	101604904	35111652	Chando Devi	No Floor
4.	151282358	11671847	Sudhir Balyan	2 <sup>nd</sup> Floor
5.	151170920	11562652	Anurag	3 <sup>rd</sup> Floor

The two no floor meters are used, one each at first floor and for open space at ground floor. Thus, it required to get surrender the meter used for open space and get the billing address rectified in respect of connection used for first floor. Further premises have been inspected and mail issued by O&M department regarding pole encroachment that the applied premises wall touched to Pole No. F 370 and in view of safety issue no new connection be released at the subject property.

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3. In response to the reply the complainant filed rejoinder. The complainant admitted that the open space is a parking area in the said property. Rejoinder further states that there are six units installed in the said property and at the ground floor of the said property is one shop and parking area, thereafter upper ground floor, first floor, second floor and third floor and five electricity meter installed there upon. Complainant is the owner of the upper ground floor without roof right and for which the complainant has applied for electricity connection and complainant was also the owner of the said shop situated at ground floor which has been sold out to the other person. Complainant has purchased the upper ground floor in year 2014 and no pole encroachment is upon the said property.

4. Heard arguments of both the parties at length.

5. From the narration of facts and material placed before us we find that the complainant applied for a new connection under domestic category which OP rejected on pretext of connection already exist and Pole encroachment. Regarding first objection of OP, the complainant has applied for new electricity connection at the upper ground floor and as per the details provided by OP alongwith its reply, none of the five connections is catering electricity to the portion of the complainant and even no connection is released by the OP for the upper ground floor. Therefore, this objection of OP is not sustainable. Regarding other objection of OP of pole encroachment, we perused the photographs placed on record and it is clearly evident that the pole is not totally grabbed inside the building, it is just touching the wall of the building and same is also admitted by OP in its reply. We also find that the other floors in the building are having connections but only the complainant's portion is without electricity.

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6. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

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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60. 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 or terminates on any building, the following minimum clearances from any accessible point, on the basis of maximum sag, shall be observed, namely:-

(i) for any flat roof, open balcony, varandah roof and lean-to-roof-

- (a) when the line passes above the building a vertical clearance of 2.5 metres from the highest point, and

- (b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres from the nearest point, and

(ii) for pitched roof-

- (a) when the line passes above the building a vertical clearance of 2.5 metres immediately under the line, and

- (b) when the line passes adjacent to the building a horizontal clearance of 1.2 metres.

(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 a 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.

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7. The factual position of the case, as apparent from the inspection report and 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 where the respondent has already given two connections on the Ground Floor and First floor from the same pole and complainant's required connection is for the second floor. Even as per law as mentioned in Regulation 60 (3) of above Regulation 2010 if the distance is less than 1.2 meter, connection can be given if it is adequately insulated. There is no dispute regarding the fact that the supply of electricity is totally insulated wire. Hence, on this very ground complainant cannot be deprived of the electricity connection.
8. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution. In the present circumstances where already entire building has been given connection and on the basis of no proper clearance from the pole, therefore, the complainant cannot be deprived off connection.
9. We are of the view that the respondent may be directed to provide the connection.



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ORDER


Complaint is allowed. Respondent is directed to release the connection as applied for by complainant vide request no. 8007067778 at premises no. C-92-A, upper ground floor, Gali no. 8, Jyoti Colony, Delhi-110032 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.

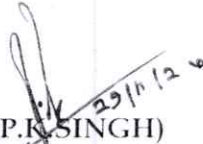
The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

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.

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

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

  
(P.K. SINGH)  
CHAIRMAN

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