



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
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SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 33/2021

In the matter of:

Arun Kumar GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Vinod Kumar, Counsel for the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 23rd June, 2021
Date of Order: 28th June, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new electricity connection but the respondent company rejected his application for new connection on baseless grounds.

It is also his submission that he applied for new commercial connection vide order no. 8004642952 on dated 10.04.2019, in his name at premises no. K-117, K-118, K-119 & K-120, laxmi Nagar, Delhi-92. But the respondent company rejected his application for new connection on the pretext of 'pole encroachment and building height more than 15 meters.

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Secretary
CGRF (BYPL)

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It is also his submission that already a temporary connection vides CA No. 55139709 is installed in the premises. He denied all the objections of the respondent and requested the Forum to direct the respondent company for immediate release of the connection.

Notices were issued to both the parties to appear before the forum on 19.03.2021.

The respondent company submitted their reply stating therein that the complainant applied for new electricity connection at house no. 2, Ground Floor, Plot No. K-117, K-118, K-119 and K-120, Laxmi Nagar, Delhi. The request for new connection of the complainant was rejected due to building height more than 15 meters. The height of the building is 15.3 meters and as per DERC Guidelines fire clearance certificate is required.

The matter was listed for hearing on 19.03.2021, when both the parties were directed to conduct a joint inspection report on 24.03.2021. The complainant was also directed to file architect map/certificate to confirm the building height.

The site of the complainant was visited on 24.03.2021, when it was found

- that the building height from front entrance 'L' shape is 14.97 meter.
- Height from the road site i.e. in front of Ram Kachuri is 15.10 meters.
- As on dated 24.03.2021, the building is fully constructed.
- In the first floor side pole encroachment at the time of building erection.
- BSES was unable to maintain LT network, pole clearance is required.

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The matter was again heard on 06.04.2021, when joint inspection report was filed. Complainant was directed to provide architecture map by a registered architect. Complainant's counsel submitted that he has applied for shifting of pole. Respondent was advised to resolve this problem amicably. Complainant was directed to file rejection letter of the respondent.

Due to an upsurge in Covid-19 second wave hearings in the Forum could not be conducted during the period 20.04.2021 to 10.06.2021.

The matter was heard on 11.06.2021, when counsel of the complainant again submitted that he had applied for shifting of pole. But the respondent denied of receiving any mail or documents from the complainant. The complainant was directed to provide copy of his application.

The matter was finally heard on 23.06.2021, when it was observed that as per last directions of the Forum complainant did not file any architect map and all other documents for shifting of pole, namely pole encroachment and height of the building, which the complainant will provide today in person to the respondent. Respondent was also directed to supply the estimated cost of pole shifting and height of the building. Arguments heard and matter was reserved for orders.

The respondent company vide their mail dated 24.06.2021, submitted that for pole shifting the complainant has to file the original application/hard copy with supporting documents for pole shifting in the Addl. V.P. (O&M) LNR office. The copy submitted by the complainant through mail it is found that the application is incomplete as it does not contain any NOC from neighbor/opposite side owner where the complainant wants the pole to be shifted.

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It was also their submitted that estimate of pole shifting can only be prepared after the complainant submits original/hard copy of application and subsequently technical feasibility has to be checked by Engineering and Safety Department after site visit.

Complainant was also served notice of accessibility as the complainant through his construction has encroached upon our network (pole) and whereby created safety issues to himself and public at large.

The complainant also submitted documents asked from him by the Forum on last date of hearing including architect map.

The main issue in the present case is whether the connection can be released to the complainant or not.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find

That the complainant applied for new commercial electricity connection but the respondent rejected his application for new connection on grounds that the building height is more than 15 meters and pole encroachment.

That the matter was heard by the Forum and upon directions of the Forum site visit was done by both the parties. The complainant also submitted architect map.

In the matter of K.N. Raveendranadhan Vs Kerala State Electricity Board vide judgment dated 15.03.2021, reproduced as under:-

This court also agrees with the view of the Regulatory Commission that when easier technical alternatives for the shifting of the electric line like providing strut instead of stay, providing underground cable or Aerial Bunch Conductor etc are available, such alternatives are to be restored to. The contention of the

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petitioners that other viable alternatives were not available as the CGRF in Ext. P4 order has made it clear that the L.T. line should be shifted as per the plan and estimate cannot be sustained. As rightly pointed out by the Regulatory Commission, these technical alternatives for the shifting of the line has to be considered by the officials of KSEB Ltd., while providing the proposed route sketch before the CGRF.

That on perusal of the documents supplied by both the parties we observe that as per the architect map submitted by the complainant, the height of the building is not clear.

Respondent has filed the height of the building 14.97 meter from one side and 15.05 from other side.

Therefore, the Forum directs the respondent as under:-

- The respondent is directed to release the connection, if the height of the building is within 15 meters as per DERC Guidelines.
- Complainant has to apply for pole shifting in prescribed format, respondent is directed to shift the pole as per DERC Guidelines Section 24.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).


(HARSHALI KAUR)
MEMBER (CRM)
8/07/21


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN
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