

C A No. Applied for
Complaint No. 519/2024

In the matter of:

Rajesh GuptaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Akash Swami, Mr. R. S. Bisht, Ms. Chhavi Rani, Mr. Lalit & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 2nd January, 2025

Date of Order: 07th January, 2025

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief fact of the case giving rise to this grievance is that the complainant applied for five new electricity connections at premises no. 36, Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Opposite BSES Office, Delhi-110092, vide requests no. 8007155579, 8007155586, 8007155589 8007155586 and 8007155733. The application of complainant was rejected by Opposite Party on the pretext of Improper Pole Clearance, Dues at site and Parking undertaking required (No further construction).

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2. The respondent in reply briefly stated that the present complaint has been filed by the complainant seeking five new electricity DX connections for premises bearing address and application no bearing tabulated herein below:

S. No.	Application No.	Address of the Premises
1.	8007155579	No. 36, Ground Floor Parking , Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Opposite BSES Office, Delhi-92
2.	8007155581	No. 36, Upper Ground Floor , Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Opposite BSES Office, Delhi-92
3.	8007155586	No. 36, First Floor , Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Opposite BSES Office, Delhi-92
4.	8007155589	No. 36, Second Floor , Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Opposite BSES Office, Delhi-92
5.	8007155733	No. 36, Third Floor , Mohan Park, West Guru Angad Nagar, Laxmi Nagar, Opposite BSES Office, Delhi-92

The application of the new connection was rejected on pretext of following grounds:

Firstly; applied premise is unsafe/has inadequate clearance from BSES Electric Pole. Accordingly, in violation of Regulation 61 of Central Electricity Authority (measures relating to safety and electric supply) Regulations 2010.

Secondly; there exist pending energy dues at applied premises against CA/Meter No. 100964160 and the pro-rata share qua the complainant herein come out to be Rs. 5,878/-.

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Thirdly; Complainant is required to furnish an undertaking regarding that no further construction will be carried out in parking of the applied premises.

Upon inspection of that said premises, it was discovered that the premises is a newly constructed building wherein as of now supply is being taken from meter no. 36001353 installed at nearest premises. Further is submitted that the clearance from building and LC mains is only approx. 3 to 5 inches and distribution box installed on the pole is close to touching the premises thereby making the lineman unable to rotate on pole for maintenance work with the safety belt.

3. Counsel for the complainant in its rejoinder refuted the contentions of the respondent as averred in their reply and submitted that the complainant has not encroached the pole as alleged by OP. Complainant further stated that he is ready to pay the pro-rata dues amounting to Rs. 6165/-. The complainant further submitted that regarding third objection of OP of filing undertaking, the complainant is ready to file the same also.

Rejoinder further states that respondent has deliberately not released his connections despite fulfilling all the formalities as per DERC Regulations 2017. It was further added that respondent company has released the electricity connection despite attachment of another premises bearing no. 5/73B, Laxmi Market, Delhi.

4. Heard arguments of both the parties heard at length.
5. 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

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(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.

Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010 is as follows:

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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.

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.

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6. 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 covered the electricity pole.
7. Therefore, 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, 2010, 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 narrow-down as a consequence the pole is touching the extended balcony. Therefore, OP has rightly rejected the applications of the complainant for new connections for the violation of law. It is very dangerous situation and there is possibility of mishap in future.


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.

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)


(P.K. SINGH)
CHAIRMAN

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