

CA No. 151875311
Complaint No. 218/2022

In the matter of:

Anil KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary, Mr. K.P. Singh, Mr. Shubham Singh & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 02nd February, 2023
Date of Order: 03rd February, 2023

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

1. This complaint has been filed by Sh. Anil Kumar, against BYPL-SRD.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Anil Kumar is owner of house no. 16/389, (375-394), Gali No. 13, Joshi Road, Karol Bagh, New Delhi-110005 and user of electricity through CA No. 151875311.

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It is also his submission that there is an iron electricity pole adjacent to his premises, which he requested OP for by changing iron pole with cemented pole and also sifting the same from his premises.

3. The respondent in reply briefly stated that by the way of present complaint complainant is seeking shifting of pole and further replacing of existing iron pole to cement pole. It is also their submission that pole involved is bearing no. A-710, which is existing in Gali No. 13, Joshi Road, Karol Bagh. It is an old pole as us apparent from the photograph. It is also clear that the building/flats are constructed later on and that there is unauthorized construction at site.

OP further submitted that Regulation 24 of the DERC Supply Code 2017 mentions the procedure for shifting of electric line or electrical plant of the licensee. Thus it is necessary that appropriate land is provided for shifting and then it is to be seen that it is technically feasible and safe to shift the pole as per CEA Rules and Regulations.

It is also OP's submission that the proposal was to shift the pole to 3.5 meters to the right hand side when we face the building. Accordingly, site was visited and it was found that same is not technically feasible and safe to shift the pole. For shifting of pole as per CEA Rules and Regulations, 1.2 m horizontal distance clearance between pole and outer most surface of the building is required. Thus on account of safety issues as well as for want of required distance from the right side balcony, pole shifting is not possible.

4. Heard both the parties and perused the record.
5. The issue is whether the electric pole in front of house of the complainant can be shifted or not.



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6. The Authorized Representative of the complainant has argued that the building is old constructed and they have asked permission from their left hand side and right hand side neighbors for shifting of pole towards the road.
7. Legal Representative of the BYPL has argued that the complainant wants shifting of pole towards the road which is not feasible as it may cause hindrance on the road and people of the respective area.
8. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue. DERC (Supply Code and Performance Standards) Regulations 2017, Regulation 24 narrated below:


24. Procedure for shifting electric line or electrical plant of the Licensee.- (1) The owner of the land or his successor in interest, who has given right of way for the construction of an existing electric line or electrical plant over, under, along, across, in or upon the said land, may apply for shifting the electric line or electrical plant to any other portion of his land for genuine purposes:

(2) The application for shifting the electric line or electrical plant shall be submitted to the Licensee.

(3) On receipt of the application, the Licensee shall inspect the site and assess the technical feasibility of the proposed shifting.

(4) The request for shifting an electric line or electrical plant shall be granted only if:-

(i) the proposed shifting is technically feasible.

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(ii) the owner of the land or his successor in interest gives consent in writing to shift the electric line or electrical plant to any other portion of his land or to any other land owned by him or any alternate right of way to be arranged by him for shifting the electric line and the electrical plant, and

(iii) the owner of the land or his successor in interest shall take necessary permission/approval for road cutting or right of way, if required.

(iv) the applicant remits the applicable charges required for shifting the electric line or electrical plant.

The Licensee shall shift the electric line or electrical plant, if the conditions specified in sub-regulation (4) are complied with by the applicant. (6) In case of shifting of meter or service line within the premises of the consumer, the procedure specified in the Regulation 25 shall apply.

9. The factual position of the case, as apparent from the pictures and documents placed on record and pleadings of both the parties, also Regulation 24 (4) (ii) of DERC Supply Code Regulations 2017, where it is clearly states that the owner of the land or his successor should give consent in writing for shifting of the electric pole. In the present matter, the complainant fails to provide the consent of the land owner agency.

S. R. M. V.

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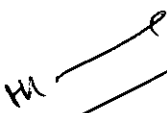
10. Therefore, we are of the view that it is not feasible to shift the pole from its place as per prevailing rules and regulations stated above. The complainant should seek consent of the land owner first and then apply to OP for shifting of the pole.


ORDER

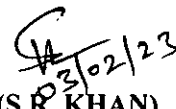
Complaint is rejected. OP has rightly rejected the application of the complainant for pole shifting.

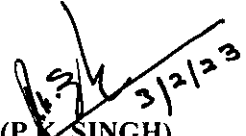
The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN