



C A No. Applied For
Complaint No. 190/2023

In the matter of:

Gautam Kumar VermaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Seema Rawat, On behalf of BYPL

ORDER

Date of Hearing: 25th July, 2023

Date of Order: 28th July, 2023

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. This complaint has been filed by Sh. Gautam Kumar Verma, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Gautam Kumar Verma applied for new electricity

Attested True Connection vide request no. 8006168690.


Secretary
CGRF (BYPL)



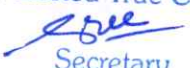
Complaint No. 190/2023

It is also his submission that he applied for new connections at his premises no.H-37, SF, Laxmi Nagar, Delhi-92 but respondent rejected his applications for new connection on the pretext of BYPL pole found encroached upon by applicant, mismatch between applied address and existing meter bill address, energy dues against CA/meter.

3. The respondent in reply briefly stated that the complainant is asking for new electricity connections for second floor of premises bearing no. H-37, Laxmi Nagar, Delhi-110092 vide application no. 8006168690. OP further added that the application of new connection by the complainant was rejected on account of pole encroachment and same site dues of CA no. 150593717.

OP further added that O&M team of respondent inspected the site and found that the pole has been encroached in such a way that now it is not feasible even to carry out normal maintenance work of the pole as it is not possible for a lineman to fix a ladder on pole. In respect of four electricity connections existing in the subjected property the accessibility notices as directed by O&M were issued on 21.04.2023 to registered consumers of existing connection bearing CA no. 151403236, 150359687, 150536383 and 1514448394.

4. The issue is whether the electricity connections can be released to the complainant or not, when there is improper pole clearance and outstanding dues.
5. Heard both the parties and perused the record.
6. As per the complainant pole is almost 15 feet far from his residence. However, no document in proof is placed on record by whom. While OP has placed on record a photograph which is not clear. But not denied by

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Complaint No. 190/2023

complainant, whose only argument is that he has made no new construction so as to cover the pole and his premises had already been energized, which connection was disconnected on non-payment of dues. Infact complainant is seeking restoration of the same. Complainant also states that already there are three more connections installed in the same premises. However, by filing its reply OP informed this Forum that accessibility notices to other consumers of the building have already been issued thereby required to remove unauthorized connections to avoid violations of Regulation 63 of Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010 or face consequences of safety hazards.

7. As per OP New electricity connections cannot be given to the complainant in view of Safety Regulations in 79 & 80 of Electricity Rules 1956 and Rule 60 of Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010.
8. 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:

As per OP

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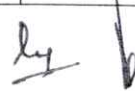
Complaint No. 190/2023

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.

4 of 6

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 *Seen by* 

Complaint No. 190/2023

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

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.

Complaint No. 190/2023


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. On the basis of aforesaid discussions we find that first of all complainant could not substantiate his stand of 15 feet distance of pole, by way of any cogent evidence. Thereafter, complainant uttered no word in his pleading or arguments rebutting accessibility notices issued by OP against connection holders of this very building. Now since an issue is of safety we can't ignore OP's plea of pole encroachment and consider it appropriate that requirement of minimum distance of pole as per aforesaid safety Regulations 2010 is not fulfilled.

ORDER

Hence, complaint being not maintainable is hereby rejected and he is not entitled for the required connection unless and until distance of pole with applied premises is maintained as per aforesaid safety Regulations 2010 and outstanding dues are paid.

The case is disposed off as above.

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



(S.R. KHAN)
MEMBER-TECH


(NISHAT AHMAD ALVI)
MEMBER-CRM


(P.K. SINGH)
CHAIRMAN

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Secretary
CGRF (BYPL)


(P.K. AGRAWAL)
MEMBER-LEGAL


(H.S. SOHAL)
MEMBER
6 of 6