

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. 129/2022**

In the matter of:

Guddu Kumar .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)

**Appearance:**

1. Mr. Shanky R.S. Gupta, A.R. of the complainant
2. Mr. Imran Siddiqi, Ms. Amita Sharma & Ms. Katha Mathur, On behalf of BYPL

**ORDER**

Date of Hearing: 27<sup>th</sup> September, 2022

Date of Order: 03<sup>rd</sup> October, 2022

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

1. This complaint has been filed by Sh. Guddu Kumar, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Guddu Kumar has applied new connection in House no. 1/3843, Street number 5, Bhagwan Pur Khera, Loni Road, Shahdara,

*Sh. P.K. Singh*

*[Signature]*

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Delhi-110032, vide application no. 8004784386 which was rejected on the ground of improper clearance of the pole, NOC of person (mother of applicant/owner) being not verified at the division and thirdly since the date of application was 11.02.2021 is closed in the system.

Consequently, complainant again made an application for new connection vide order no. 8005467344. Complainant in view of objection of improper clearance removed and demolished his balcony and made a reasonable gap, even then second time OP has not given connection on the ground that adjacent building is in touch with network, maintenance staff cannot access on Distribution Box for repairing work without entering the house of the consumer. The application of consumer was rejected by Opposite Party (OP) BYPL on the pretext that 'enough pole clearance was not available.'

3. The respondent in reply briefly stated that new electricity connection has been applied by Guddu Kumar vide request no. 8885467344. On site inspection it was found that only 10 inch space left between premises and respondent network i.e. L.T. Distribution Box. It was also submitted that adjacent building is in touch with the network. During joint visit it was found that distance clearance between pole and applied premise is only 5 inches and at present O&M cannot access the distribution box without entering the nearby premise no. 1/3827. OP further added that construction has been made in total violation and contravention of the provisions of Act and Electricity Rules 1956 which lays down the clearance of the area from the poles/wires for safety of public and smooth functioning of the supply system. The provisions of Rule 79 & 80 of the said Electricity Rules 1956 mandates following clearance of space of poles/wires and other supply.

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4. Heard both the parties and perused the record.
5. The issue is whether the connection of the complainant vide application number 8885467344 can be released, if there is improper pole clearance?
6. The Authorized Representative of the complainant has argued that he has applied for new connection vide application no. 8885467344 at house no. 1/3843, Street number 5, Bhagwan Pur Khera, Loni Road, Shahdara, Delhi-110032 which was rejected by OP-BYPL on three grounds, 1. NOC of person (mother of applicant/owner) being not verified at the division, 2. The application for new connection dated 11.02.2021 is closed in system and 3. Enough pole clearance was not available.' Two grounds have already been resolved, there is no dispute regarding NOC of consumer's mother and against the application which was closed in the system, the complainant applied new application. Now only dispute remains regarding improper distance from the pole and O&M cannot access the Distribution Box/pole for repairing work without entering the nearby premise.

Consumer has demolished his balcony as directed by BYPL and several connections have been given by BYPL to several consumers from this pole and from other poles where there is no proper pole clearance. The list of such type of connections has been given by complainant. Even the Forum has ordered the release of connection in similar type of cases, the copy of the order has been field by the complainant.

7. Legal Representative of the BYPL has argued on basis of evidence available on record. Respondent submitted that distance clearance between pole and applied premise is only 5 inches and at present O&M cannot access the distribution box without entering the nearby premise.

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*[Signature]*

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Therefore, electricity connection to complainant cannot be given 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.
9. 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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10. 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.

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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11. The factual position of the case, as apparent on record is that the complainant has given application no. 8004784386 for the new connection which was rejected on the basis that the application dated 11.02.2021 is closed in the system (after three months) the mentioned new connection order could not be processed as NOC person was not verified by Division. Consequently, complainant made new application vide number 8885467344, therefore, there is no dispute regarding the limitation and NOC, because NOC of applicant's mother is admittedly verified by OP. Complainant's new connection is rejected only on the ground that improper clearance from pole and one cannot go for maintenance without entry to other house no. 1/3827 which is in front of concerned premises no. 1/3843.

12. The deficiency letter available on record shows "we would like to inform you that we are unable to process your application on account of following deficiencies, defects: Applied load in KW, Others, Others".

Respondent submission that application was rejected due to improper pole clearance is not covered by deficiency letter as mentioned above. As per DERC (Supply Code and Performance Standards), Regulations 2017, and Regulation 11 (1) (iv), which is narrated as under:-

**11. New Electricity Connection:-**

**(1) Submission of application along with all documents:-**

**(iv) The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently.**

Thus, deficiency letter since did not show the improper clearance, therefore, the objection raised by the respondent in Forum is not acceptable.

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13. From the re-inspection report and written submissions of respondent it is very much clear that respondent has given the connection to the building from the pole concerned which is just in front of applied premises which is 1/3843, which is adjacent to pillar concerned, there is no space at all. The complainant's premise is admittedly 10 inch away from the pole which is less than 1.2 meters as required by above mentioned law. 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.

The forum in case of Babita Rastogi, CG. No. 12/2021 and Pan Bibi, CG No. 109/21, of improper distance has already ordered to install the connection on certain conditions.

14. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the case of Dilip (Dead) LR vs Satish, 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 where owner of 1/3827 and others have been given connection on the basis of no proper clearance from the pole, complainant cannot be deprived off electricity connection.

15. 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 applied by complainant 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.

The case is disposed off as above.

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

  
(NISHAT AHMAD ALVI)  
MEMBER (CRM)

  
3/10/22  
(P.K. SINGH)  
CHAIRMAN