



C A No. Applied for  
Complaint No. 207/2023

**In the matter of:**

Manoj Kumar Arora .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed 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, Ms. Seema Rawat, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

**ORDER**

Date of Hearing: 27<sup>th</sup> July, 2023

Date of Order: 16<sup>th</sup> August, 2023

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection vide request no. 8006185102 at premises no. D-102, GF, Shop No. 1, Gali No. 5, Laxmi Nagar, Delhi-110092. His application has been rejected by respondent alleging that there is encroachment inside the building and already other connections exists on all floors of the building. Complainant has prayed for examining the same and help in releasing the connection applied for.

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2. As per OP connection vide application no. 8006185102 was rejected on account of pole encroachment and for want of NOC from fire department as building which is commercial in nature is having height of more than 15 meters. On site visit it was found that building structure consists of ground plus four floors over it. Details of the existing connections are as under:

1. CA No. 151282293, Adesh Kumar, date of energization 06.12.2014, installed at upper ground floor
2. CA No. 151308592, Nidhi Goel, date of energization 13.12.2014, installed at second floor.
3. CA No. 151725458, Sonu, date of energization 05.02.2016 installed at ground floor.
4. CA No. 152793518, Deshmukh Sharma, date of energization 14.03.2019 installed at ground floor.
5. CA No. 152300831, Ashok Kumar, date of energization 20.09.2017, ground floor
6. CA no. 151236175, Ram Kishan Sharma, date of energization 12.09.2014, first floor
7. CA No. 151481927, Sunita Sharma, date of energization 11.06.2015, ground floor.

As per OP since there is violation of the provision of Regulation 60 & 61 of the Central Electricity Authority (Measures relating to safety and Electric Supply) regulations 2010 and Section 53 & 68 (5) read with Section 161 of the Electricity Act 2003 the applied connection cannot be granted.

3. In rejoinder to OP's reply complainant clarifies that the pole allegedly encroached is in front of the other property which is adjacent to that of the applied premises. The applied premises are far away from 2 meters of the alleged pole.

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4. Heard both the parties and perused the record.
5. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.
6. 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).                     |

*[Handwritten signatures]*  
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7. 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.

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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.

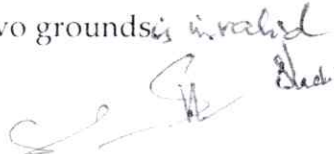
8. Going through the record and after hearing both the parties we observe that only issue we have to decide is that as to whether the pole alleged to be encroaching is at required distance or not from the applied premises. Secondly, as to whether OP is entitled to ask for NOC/fire certificate for providing connection on ground floor while it has already energized connections on upper floors.

With respect to first issue both the parties filed photographs of the site. OP's photographs are not clear as to the existence of pole on the applied premises while photographs filed by the complainant clearly depict that the pole through encroaching but are not in front of the building, the shop under consideration ~~or~~ part whereof. It clearly shows that it is in front of adjacent building, as claimed by the complainant and at quite distance from the applied premises.

Regarding requirement of fire certificate neither OP has emphasized much nor has complainant clarified the position by just alleging that since he is requiring connection on ground floor and not upper floor, it is not so required. Regarding complainant's allegation of connections already energized by OP on upper floors of the applied premises, the same is not denied by OP in any manner whatsoever, thus it is proved beyond doubt that even top floor of the applied premises is already energized and OP never demanded fire certificate for granting the same. Therefore, if OP does not consider it necessary for top floor connection as safety hazards how at ground floor it can claim the same. Hence, in our considered opinion this objection of OP is also baseless.

In the fact and circumstances discussed aforesaid rejection of connection by OP on these two grounds is *invoked*

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9. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. 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 in the spirit of constitution.


ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and on submission of an affidavit to the effect that if in future upper floors are required to provide fire certificate covering safety risk, he shall file the same.

The case is disposed off as above.


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

  
(P.K.SINGH)  
CHAIRMAN


  
(S.R. KHAN)  
MEMBER-TECH

  
(P.K.AGRAWAL)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(H.S. SOHAL)  
MEMBER

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