



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
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com
SECY/CHN 015/08NKS

C A No. Applied For
Complaint No. 144/2022

In the matter of:

Manoj Kumar SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mrs. Vinay Singh Member(Law)
3. 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: 15th September, 2022

Date of Order: 26th September, 2022

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

1. This complaint has been filed by Sh. Manoj Kumar Sharma, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Manoj Kumar Sharma has applied new connection in House no. 1/3492-C, Second floor, Ram Nagar, Mandoli Road, Shahdara,

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Delhi-110032, vide application no. 8005540777. 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 Manoj Kumar Sharma vide request no. 8005540777. On site inspection it was found that pole/network has been encroached by complainant and pole is almost touching the premises, therefore, it is violation of Rule 79 & 80 of Electricity Rules 1956. Hence, application was rejected.
4. Heard both the parties and perused the record.
5. The issue is whether the connection of the complainant vide application number 8005540777 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. 8005540777 at house no. 1/3492-C, Second Floor, Ram Nagar, Mandoli Road, Shahdara, Delhi-110032 which was rejected by OP-BYPL on the pretext of 'enough pole clearance was not available.' Whereas, in similar cases BYPL has already released two connections on the Ground Floor and First Floor on the same building, copy of those connections have been filed. It is not his illegal construction otherwise his premises would have been in MCD objection list.
7. Legal Representative of the BYPL has argued on basis of evidence available on record. An accessibility notice has been given to two consumers of the same building. Electricity connection to complainant

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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.

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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.

11. The factual position of the case, as apparent from the inspection report and document, the distance of premises from concerned electricity pole is not 1.2 meter as required by the above mentioned law. The pole is adjacent to building where the respondent has already given two connections on the Ground Floor and First floor from the same pole and complainant's required connection is for the second floor. 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.

12. 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. In the present circumstances of two consumers of GF & FF has been given connection and on the basis of no proper clearance from the pole complainant cannot be deprived off connection.

13. We are of the view that the respondent may be directed to provide the connection.

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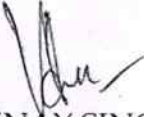
ORDER:-

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)


(VINAY SINGH)
MEMBER (LAW)


(P.K. SINGH)
CHAIRMAN

