



C A No. Applied For
Complaint No. 175/2023

In the matter of:

Rafiq AnsariComplainant

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)

Appearance:

1. Mr. Vinod Kumar, Counsel of the Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

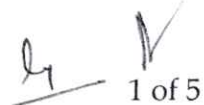
Date of Hearing: 17th August, 2023
Date of Order: 11th September, 2023

Order Pronounced By:- Mr. S.R. Khan, Member (Technical)

1. This complaint has been filed by Mr. Rafiq Ansari against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Rafiq Ansari applied for new electricity connection vide request no. 8006174230 and 8006175856.

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CGRF (BYPL)


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He applied for new connection at premises no. 647, 2nd floor and 3rd floor, 6/5 Old Mustafabad, Delhi-110094, but respondent rejected his application due to pole found encroached upon by applicant.

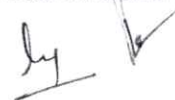
3. OP in its reply briefly stated that the complainant is asking for new connection for second floor and third floor of premises bearing no. 647, old no. 6/5, Mustafabad, Delhi-110094 vide application no. 8006174230 and 8006175856 and both the applications stands rejected on account of pole encroachment by complainant. That the new connection has to be provided in terms of Regulation 10 and 11 of Supply code 2017, thus in the cases where requisite distance is not maintained and CEA 2010 safety measures are not adhered to then no new connection can be granted. OP further added that building in issue has been constructed in violation of the provision of Regulation 60 & 61 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010.
4. Counsel of complainant submitted that he applied for new electricity connection on second and third floor of the property which is electrified except these two floors. He also submitted that there is no encroachment on the part of the complainant. It is further his submission that respondent has wrongly installed the electricity pole at the place where the complainant's premises is situated.
5. LR of the OP submitted photographs of the site showing that the pole has been encroached by the complainant.
6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that the complainant applied for new electricity connection which the respondent rejected on the basis of pole encroachment.

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Representative of the complainant submitted that only 2nd and 3rd floor of the building are without electricity rest all other flats in the building have electricity connections. He further submitted that the photographs submitted by OP are not clear and could not show clearly that the pole is not inside the premises. He was given time to submit color photographs for ascertaining the same fact.

7. As far as legal position is confirmed the relevant provision for this complaint are Section 53 and 68 (5) of Electricity Act 2003 are narrated below:

Section 53. (Provisions relating to safety and electricity supply): The Authority may in consultation with the State Government, specify suitable measures for -

(a) protecting the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electrical plant;

(b) eliminating or reducing the risks of personal injury to any person, or damage to property of any person or interference with use of such property ;

(c) prohibiting the supply or transmission of electricity except by means of a system which conforms to the specification as may be specified;

(d) giving notice in the specified form to the Appropriate Commission and the Electrical Inspector, of accidents and failures of supplies or transmissions of electricity;

(e) keeping by a generating company or licensee the maps, plans and sections relating to supply or transmission of electricity;

(f) inspection of maps, plans and sections by any person authorised by it or by Electrical Inspector or by any person on payment of specified fee;



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(g) specifying action to be taken in relation to any electric line or electrical plant, or any electrical appliance under the control of a consumer for the purpose of eliminating or reducing the risk of personal injury or damage to property or interference with its use.

Section 68. (Provisions relating to Overhead lines): (5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.

For this purpose going through the definition of Regulation 60 & 61 aforesaid we find that it mandates to follow a minimum horizontal and vertical clearance required to be maintained from the electricity mains/installations for any building/structure/balconies/verandas/roof/chajja where an extra high/medium/low voltage line passes above or adjacent to any building or part of the building to avoid any electrical accident.

| S.No. | Lines/Installations | Minimum Vertical clearance there line is passing above a building/structure/balcony etc. | Minimum Horizontal clearance there line is passing above a building/structure/balcony etc. |
|-------|--|--|--|
| 1 | Low or medium voltage lines and service lines not exceeding 650 volts | 2.5 meters from the highest pole | 1.2 meters from the nearest point |
| 2 | High voltage line exceeding 650 volts upto and including 11000 volts | 3.7 meters from the highest point | 1.2 meters from the nearest point |
| 3 | High voltage line exceeding 11,000 volts upto and including 33,000 volts | 3.7 meters from the highest point | 2 meters from the nearest point |
| 4 | Extra high voltage line exceeding 33 Kw | 3.7 meters plus 0.30 meter for every additional 33,000 volts or part thereof | 2 meters plus 0.3 meter for every additional 33,000 volts or part thereof |

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8. Therefore, we are of the considered opinion that though we have earlier allowed connections in the cases where there is pole encroachment and distance is less than 1.2 meters (as stated above) because the wires from the pole are insulated wires. In the present case despite giving ample opportunity the counsel of the complainant for submitting clear photographs to show that the pole is not completely encroached the pole within the chajja of the building therefore, in this particular case the connection cannot be released to the complainant.


The complainant has raised the objections regarding the fact that OP has given several connections in this building and neighboring buildings in violation of Rules and Regulations. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."


ORDER


Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. For release of the new connection the complainant has to fulfill the requirements of the respondent. The complainant has to remove the pole encroachment.

The case is disposed off as above.

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


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN