

C A No. Applied for
Complaint No. 146/2023

In the matter of:

Shanaz & Mohd ArifComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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)

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 04th May, 2023
Date of Order: 11th May, 2023

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

1. This complaint has been filed by Ms. Shanaz & Mohd Arif against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Shanaz & Mohd Arif applied for new electricity connection vide request no. 8006159264 and 8006159272 at premises no

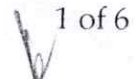
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CGRF (BYPL)









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241, DDA quarter, Seema Puri, Delhi-110095, but respondent rejected her applications of new connection on pretext of pole encroachment. Therefore, she requested the Forum to direct the respondent for release of new electricity connection.

3. OP in its reply briefly stated that the complainant is seeking fresh electricity connections for second and third floors of property bearing no. 241, DDA Quarter, Seema Puri, Delhi-95. The complainant's applied for new connection vide application no. 8006159272 at second floor in the name of Mohd Arif and application no. 8006159264 at third floor in the name of Shanaz.

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 and Section 53 & 68 (5) read with Section 161 of the Electricity Act 2003.

4. Arguments of both the parties are heard.
5. Representative of the complainant submitted that the complainant purchased the said property from Jaspreet Kaur vide notarized GPA in their favour dated 20.01.2023 and also submitted that the encroachment of the electricity pole is with the ground floor the same is not attached with the second floor and third floor in any manner. It was also submitted that one meter is installed at the ground floor having CA No. 101394156 on 07.03.2011 in the name of Sh. Hari Om.

6. LR of the OP submitted site visit report showing that pole no. F038 installed at 241, DDA Quarter is fully pole encroached and distribution box is at exit on first floor balcony.

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7. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.
8. 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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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.

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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 A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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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.

10. Factual position of the case as apparent from the inspection report and documents, the distance of premises from concerned electricity pole is not 1.2 meter as required by the above mentioned law. The angle is fitted in the building from where respondent has already released many new connections and one is on the ground floor of the said premises. It is also evident from the site map that other poles are also in form of angle and Distribution Boxes are fitted on the angles. Even as per law mentioned in Regulation 60 (3) of above Regulations 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 through insulated wires. Hence, on this very ground complainant cannot be deprived of the electricity connection.

11. 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 consumer of GF has been given connection and on the basis of no proper clearance from the pole complainant cannot be deprived off connection.

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

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