



C A No. Applied For
Complaint No. 92/2023

In the matter of:

Shweta KumariComplainant

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)
5. Mr. H.S. Sohal, Member

Appearance:

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

ORDER

Date of Hearing: 11th April 2023

Date of Order: 17th April, 2023

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

1. This complaint has been filed by Ms. Shweta Kumari against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Shweta Kumari applied for new electricity connection vide application no. 8006133267 at premises no. 978/1, Old PlotNo. A-348/1, UG/F, right side, Saraswati Gali Mandawali, Delhi-110092 but

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CGRF (BYPL)

Complaint No. 92/2023

respondent rejected her application for new connection on pretext of building height more than 15 meters fire clearance required, commercial building ground plus four floors including mezzanine floor and pole found encroached upon by applicant.

3. OP in its reply briefly submitted that the complainant is seeking new electricity connection at upper ground floor of property bearing no. 978/1, old plot no. A-348/1, Sarsawati Gali, Mandoli, Delhi. Site of the complainant was visited and it was found that building height is more than permissible limit of 15 meters and as building happens to be commercial fire safety clearance was asked for.

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

It is also their submission that the floor wherein new electricity connection is sought has encroached upon the electricity pole and requisite distance is not maintained as such no new connection cannot be granted till the unauthorized construction is removed and requisite distance is maintained.

4. The complainant submitted that there are ten dwelling units in the entire building and out of ten, nine flats have electricity connection except his flat. He further added that respondent has recently issued one connection on 13.12.2021 with CA No. 153594630. The said connection is installed at the upper ground floor and in front of flat of the complainant.

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Complaint No. 92/2023

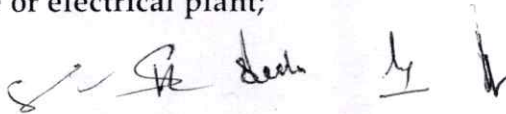
5. LR of the OP submitted that the pole is completely encroached in the building where the complainant has sought electricity connection. Photographs to this effect was also submitted which shows that the pole is inside the Chajja of the building. OP further added that they have issued accessibility notice on 03.03.2023 to the rest of the nine (9) connections in the said building regarding violation of the minimum clearance of electrical lines/installations from building/structures/balconies/verandas/roof/chajja etc.
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 building height more than 15 meters and pole encroachment. Representative of the complainant submitted that only his portion is without electricity rest all the 9 flats in the building have electricity connections. In this regard OP submitted that they have issued accessibility notice to the other occupants of the building regarding violation of the minimum clearance of electrical lines/installations from building/structures/balconies/verandas/roof/c hajja etc.
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;

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Secretary
CGRF (BYPL)



Complaint No. 92/2023

(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;

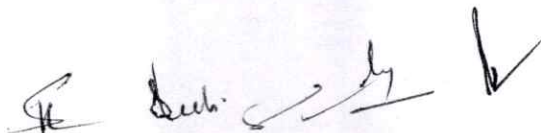
(g) specifying action to be taken in relation to any electric line or electrical plant, or any electrical appliance under the control of a consumer for the purpose of eliminating or reducing the risk of personal injury or damage to property or interference with its use.

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.

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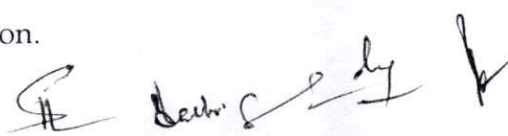


Complaint No. 92/2023

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

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 the complainant has completely encroached the pole within the chajja of the building therefore, in this particular case the connection cannot be released to the complainant.

Regarding the second objection of the respondent that the height of the building is more than 15 meters and it's a commercial building therefore, fire clearance certificate is required from the complainant for release of new electricity connection.



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Secretary
CGRF (BYPL)

Complaint No. 92/2023

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

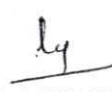
Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant. For release of the new connection the complainant has to fulfill the requirements of the respondent. The complainant has to remove the pole encroachment and also have to produce fire clearance certificate as building height is more than 15 meters.

The case is disposed off as above.

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


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN) 17/4/23
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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