



**C A No. Applied For**  
**Complaint No. 01/2020**

**In the matter of:**

Subhee Bisht .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

**Quorum:**

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

**Appearance:**

1. Mr. Subhee Bisht, complainant
2. Mr. Imran Siddiqi, Ms. Preethi Menon & Mr. B.B. Sharma, On behalf of BYPL

**ORDER**

Date of Hearing: 14<sup>th</sup> February, 2019

Date of Order: 18<sup>th</sup> February, 2019

**Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)**

Briefly stated facts of this case are that the complainant applied for new connections which the respondent company rejected.

It is her submission that she applied for new connections vide application no. 8003867409, 8003867066, 8003867091, 8003867426 and 8004246085 under domestic category on 03.05.2019.

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*Vinay Singh*  
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The respondent company rejected her applications for new connections on the basis of encroachment of network pole to be cleared and as per DERC Guideline Fire Clearance Certificate is required; building height is more than 15 meters. The complainant requested the Forum to direct the respondent company for immediate release of the connections.

Notice was issued to both the parties to appear before the Forum on 15.01.2020.

The respondent company submitted their reply stating therein that the new connections were applied at H. No. E-243, Gali No. 7, Band Gali, East Vinod Nagar, Delhi-91, vide request no. 880867409, 8006867091, 8003867086, 8003867426, 8003867066. The release of connections were denied on the ground of the height of the building found more than 15 meters and the ground floor is in use for other than stilt parking (1 room, 1 toilet, 1 bathroom and 1 kitchen and parking not proper stilt parking) and also pole encroachment and accordingly the letter of deficiency was issued on 03.12.19.

Respondent further submitted that complainant got the parking vacated. The premises of the complainant was again visited on 30.12.19 and found that 'encroachment pole' still existed. The complainant demolished the kitchen in the stilt area but the bathroom and toilet exist at site. After site visit the application of new connection was again rejected.

It is pertinent to mention here that both the parties were asked to conduct a joint site inspection by the order dated 15.01.2020, which was done by them on 21.01.2020 and also submitted the site visit report. Both the parties were also asked to explore the possibility to resolve the issue of pole encroachment.

The main issue in the complaint is release of the new connections.

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We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find that when the complainant lodged the complaint before CGRF, the issue was raised one is height of the building more than 15 meters and electric pole encroachment.

On the first date of hearing 15.01.202 before the CGRF, a joint inspection was directed to find out amicable solution to resolve the matter. The complainant had stilt parking with some encroachment. After the Joint inspection the respondent tells the complainant for removal of encroachment, which was removed by the complainant. The height of the building after removal of encroachment along with stilt parking is 17.5 meters.

Other objection of the respondent is Encroachment of network pole, which is regarding distance from the building. The respondent also quoted Section 60 of the Central Electricity Authority (Measures relating to safety and electric supply) Regulations, 2010 which is stated below:-

**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, verandah rood and lean to roof -

(a) when the line passes above the building a vertical clearance of 2.5 meters from the highest point, and

(b) when the line passes adjacent to the building a horizontal clearance of 1.2 meters from the nearest point, and

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(ii) for pitched roof-

(a) When the line passes above the building a vertical clearance of 2.5 meters immediately under the line, and

(b) When the line passes adjacent to the building a horizontal clearance of 1.2 meters.

(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 35kg.

(4) The horizontal clearance shall be measured when the line is at a maximum deflection from the vertical due to wind pressure.

(5) Vertical and horizontal clearances shall be as specified in Schedule X.

As per Central Electricity Authority Supply Regulation 2010, Section 60 (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 35kg.

After going through all the proceedings that complainant made the building feasible for energization of connection. The height of the complainant's building along with stilt parking is less than 17.5 meters which is as per DERC Notification dated 30.05.19 and pole encroachment by the complainant also removed and made feasible for release of the electricity connection.

In the matter of Saifuddin Vs CESC limited, 27 H 29 Calcutta High Court.

The Court is of opinion that electricity is the basic necessity.

In the matter of Durga Rani Singh Vs WBSDCL, 9 May 2016 Calcutta High

Court, "A person is settled occupier of any premises is entitled to get electricity connection. The right to get electricity is considered as an extended Fundamental Right.

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After going through all the facts of the case the Forum is of the opinion that the complainant has fulfilled all the requirements for energization of the premises in respect of height of building and pole encroachment made feasible. Therefore, respondent is directed to release the connection as per DERC Guidelines.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.

The compliance should be reported within 30 days. The order is issued under the seal of Consumer Grievance Redressal Forum (BYPL).

  
18.2.20  
(HARSHALI KAUR)  
MEMBER (CRM)

  
(ARUN P SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)