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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4130/2026 with CM APPL. 20147/2026, CM APPL. 20148/2026 and CM APPL. 20149/2026

AJAY KUMAR

.....Petitioner

Through: Mr. Archit Upadhayay, Mr. Shubham Mishra, Mr. Vaibhav Shahi, Mr. Rishav Ranjan, Mr. Kunal Shahi, Ms. Prashita Mishra and Mr. Nikhil Kumar, Advocates along with petitioner.

versus

BSES YAMUNA POWER LIMITED
& ORS.

.....Respondents

Through: Mr. Manish Kumar Srivastava, Mr. Moksh Arora and Mr. Santosh Ramdurg, Advocates.
Mr. Shiven Varma, Advocate for R-2.
Mr. Atul Kumar, Advocate for R-4.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
30.03.2026

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1. The present writ petition has been filed seeking a direction to respondent no.1/BSES, restraining them from installing and energizing a high-capacity oil-type electricity transformer in front of the petitioner's property bearing *House No. 262, Khasra No. 316, Habura & Bichpatiya Mohalla, Village Dallupura, Delhi-110096*.

2. Earlier, the petitioner had filed a civil suit being Civil Suit No. 9/2026



before the Karkardooma District Courts seeking similar relief of restraining BSES from installing the aforesaid transformer in front of the petitioner's property. The aforesaid suit was dismissed *vide* order dated 18th February, 2026 holding that the plaint does not disclose any cause of action. The relevant observations made by the Trial Court are set out below:-

“10. Even otherwise, assuming such a contention to be correct for the sake of argument, the same does not give rise to a personal cause of action in favour of the plaintiff. This is so because any short circuit in a public transformer or electricity pole would affect the entire locality at large and not the plaintiff alone. In such a scenario, at best a general or public grievance would be raised; however, no enforceable private cause of action can be said to be made out in favour of the plaintiff.

11. Accordingly, this Court finds that the plaint does not disclose any cause of action in favour of the plaintiff.”

3. It is an admitted position that the aforesaid order has not been challenged by the petitioner.
4. Counsel for the petitioner submits that the present writ petition raises the issue of safety of the residents, inasmuch as the transformer is located very close to the premises of the Delhi Jal Board and is located in a densely populated area.
5. Mr. Manish Kumar Srivastava, counsel appearing on behalf of respondent/BSES, submits that the transformer is 27 ft. away from the petitioner's house.
6. I have heard the counsel for the parties.
7. Attention of the Court have been drawn to the relevant Regulations of the Central Electricity Authority dated 8th June, 2023.
8. Counsel for the petitioner has relied upon Regulation 46(2) read with Schedule V, to contend that the transformer has to be at a minimum distance



of 10.3 meters.

9. Relevant extracts from the said Regulation 46(2) along with Schedule V are set out below:

“46. Use of electricity at voltage exceeding 650 V. -

- (2) Where electricity at voltage exceeding 650 V is supplied, converted, transformed or used, the owner shall, -
- (i) maintain safety clearances for electrical apparatus as per relevant standards specification so that sufficient space is available for easy operation and maintenance without any hazard to the operating and maintenance personnel working near the equipment and for ensuring adequate ventilation:
Provided that in case of mines, the safety clearances for electrical apparatus to be as per relevant mining regulations;
 - (ii) not allow any encroachment below such installation:
Provided that where the Electrical Inspector comes across any such encroachment, he shall direct the owner to remove such encroachments;
 - (iii) maintain minimum safety working clearances specified in Schedule V for the bare conductors or live parts of any apparatus in outdoor substations excluding overhead lines of installations of voltage exceeding 650 V;

Schedule V	
Minimum safety working clearances where electricity at voltage exceeding 650 V is supplied, converted, transformed or used	
[See sub-regulation (2)(iii) of regulation (46)]	
Highest System Voltage (kV)	Safety Working Clearance (Metre)
12	2.6
36	2.8
72.5	3.1
145	3.7
245	4.3
420	6.4
800	10.3

10. In my considered view, the aforesaid Regulation would apply where the transformer is installed in the premises of a consumer. The said Regulation would not apply in the present case, where the transformer is being installed in a public street.

11. Counsel for the petitioner submits that the transformer is also dangerous inasmuch as it is next to the Delhi Jal Board Pump House, to



which Mr. Srivastava responds that Delhi Jal Board has not raised any objection in this regard.

12. In view thereof, the present writ petition is disposed of while directing respondent/BSES to take all safety precautions before energizing the subject transformer including fencing of the transformer so that it cannot be accessed by the local residents including children.

13. All pending applications also stand disposed of.

AMIT BANSAL, J

MARCH 30, 2026

Vivek/-