

**CA No. Applied for
Complaint No. 221/2022**

In the matter of:

Anjali SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Imran Siddiqi, Mr. Prateek Pahwa & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 21st February, 2023

Date of Order: 27th February, 2023

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

1. This complaint has been filed by Ms. Anjali Sharma, against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Ms. Anjali Sharma, applied for new electricity connection vide application no. 8005842475 at premises no. Gali No. 1, Main 20 foota road, Pusta-5, Sonia Vihar, Delhi-84 but respondent rejected his application for new connection on the pretext of premises right under the way of HT lines.

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3. The respondent in reply briefly stated that the complainant applied for grant of new electricity connection vide application no. 8005842475 at property bearing no. Gali No. 01, Main 20 foota road, Pusta-5, Sonia Vihar, Delhi-110094.

OP further submitted that on site inspection it was found that premises is under RIGHT OF WAY OF H.T. LINE, (Horizontal distance = 3.20 meter approx, vertical distance = 15.35 meter, applied building height is 10.10 meter, net vertical distance = $15.35 - 10.10 = 5.25$ meter, hence, new electricity connection is not possible.

OP further added that Dy. Secretary (Dept. of Power) vide its letter dated 18.01.2017 has clarified that DISCOMS cannot provide electricity connections under HT lines as, as per CEA Regulations 2010, there is a right of way for the HT lines under various voltage level. Accordingly, since the issuance of the said letter the DISCOMS are not issuing electricity connection under HT lines. It was also mentioned that 220 KV HT lines pertains to DTL and only DTL can ascertain the clearance of the connection as per CEA Regulations.

Regulation 61 of Central Electricity Authority (Measures relating to safety & Electric Supply) Regulations 2010, provides for distance both vertical and horizontal to be maintained from the highest/nearest point of the building. Further, complainant has not complied with the Regulation 63 as no intimation prior to carrying out the construction was ever given to the respondent.

OP further added that HT line pertains to DTL and only DTL can ascertain the clearance of the connection as per CEA Regulations. BYPL is neither capable nor authorized to measure the clearances etc for building under the said HT lines.

4. DTL was issued notice for providing Horizontal and Vertical distances.



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5. DTL vide their letter no. F.DTL/206/22-23/Mgr. (T) O&M (E-4)/TR-794/216 dated 09.02.2023 submitted that location was jointly inspected along with BYPL and it was found that establishment bearing address as Ms. Anjali Sharma, GF, Kh. No. 103 & 104, G-5/7, Gali No. 1, Main 20th feet road, 5th Pusta, Sonia Vihar, Delhi-94 falls under DTL's 220 KV double circuit Mandola-South of Wazirabad overhead transmission line (circuit-II). Horizontal clearance of the structure from perpendicular to the bottom phase conductor is approx. 3.00 meters and do not meet safety clearance as specified by CEA safety Regulations. Vertical clearance of premises from bottom phase conductor is more than 7.0 meter.
6. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
7. The issue is whether the connection of the complainant vide application number 8005842475 can be released, if there is improper clearance from HT line?
8. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.
9. Respondent and on this ground itself rejected the request quoting the letter no. F-11(17)/2014/Power/91 dated 18.01.17 from Govt. of NCT (Department of Power), New Delhi. The relevant portion is as under:-

"Connection under high tension lines: As per CEA Regulations 2010 there is a right of way for the HT lines under various voltage levels. No construction is allowed under these HT lines as per the right of way specified in the said CEA Regulation."

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10. Provision for electrical safety and installation has been provided in Chapter 2, Regulation 5 of DERC (Supply code and performance standards) Regulations 2017, which is as under:-

5. Safety of electrical installations:-

(1) The Licensee and the consumer shall, in every respect, comply with the provisions of the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, as amended from time to time.

CENTRAL ELECTRICITY AUTHORITY (MEASURES RELATING TO SAFETY AND ELECTRIC SUPPLY) REGULATIONS, 2010, Regulation 61 deals with clearance from the buildings of lines of voltage exceeding 650V:

(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 exceeding 650 V passes above or adjacent to any building or part of the building it shall have on the basis of maximum sag a vertical clearance above the highest part of the building immediately under such line, of not less than:-

(i) For lines of voltages exceeding 650 Volts	3.7 meters
Upto and including 33,000 volts	
(ii) For lines of voltages exceeding 33 KV	3.7 meters plus
	0.30 meter for ever
	additional 33,000 volts or
	part thereof.

(3) The horizontal clearance between the nearest conductor and any part of such building shall, on the basis of maximum deflection due to wind pressure be not less than:-

(i) For lines of voltages exceeding 650 Volts	1.2 meters
Upto and including 11,000 volts	
(ii) For lines of voltages exceeding 11, 000 V	2.0 meters
And upto and including 33, 000 V	
(iii) for lines of voltages exceeding 33 KV	2.0 meters plus 0.3
meter for	

every additional 33,000 volts
or part thereof.

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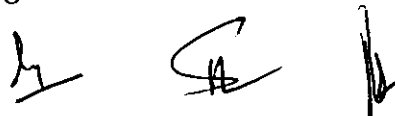
11. This line is 220 KV which is exceeding 650 V as per above provisions vertical distance from the premises should be more than 3.7 meters which is more than 7 meter for 220 KV line. Whereas horizontal distance should be 3.69 meter for 220 KV line as per above regulation.

The inspection report submitted by BYPL dated submitted that the horizontal distance between HT line and complainant's premises is approx 3.20 meters.

12. OP submitted site re-visit report showing there the distance between the HT line and that of complainant's premises as 3.20 m approx. whereas DTL report states the distance as 3 meter approx. Both the reports show the distance on approximation. Either it can be higher or lower but is not less than 3 meters. Since this Forum has already given connections to the premises where the horizontal distance between the HT line and that of complainant's premises is 3.2 meters. The complainant also submitted site visit report in which he shows the distance between his premises and that of HT line is 3.5 meter approx. Since there is three different measurements and no report is showing distance less than 3 meters.

13. Since, 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.

Since this distance is approx. this Forum is of the opinion that electricity connection can be given on certain conditions. The complainant is required to submit undertakings as under:



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- i) That she shall not extend the present building structure without prior permission from BYPL/DTL. Jointly signed sketch of the premises, mentioning the present clearances shall also be part of the agreement for release of this connection.
- ii) That whenever there is any amendment in Electrical Safety Rules particularly ROW width and her house/building is found infringing any rule regarding electrical safety, the electricity connection shall be disconnected.
- iii) The respondent is directed to release the connection after completing all necessary commercial formalities and submission of affidavits/undertakings as mentioned in the order.


ORDER

The complaint is allowed. OP is directed to release the new connection to the complainant as per above stated directions and completion of all the necessary commercial formalities.

Accordingly, the case is disposed off.

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


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN) 102/2023
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN