

C A No. Applied For
Complaint No. 493/2024

In the matter of:

IrfanComplainant

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

Appearance:

1. Mr. I U H Siddiqi, Counsel for the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 06th May, 2025
Date of Order: 08th May, 2025

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief facts of the case giving rise to this grievance are that the complainant applied for new electricity connection at premises no. A-365/10, Shri Ram Colony, Rajiv Nagar, Delhi-110094, vide request no. 8007079259. The application of complainant was rejected by Opposite Party on the grounds that the premises with inadequate/unsafe clearance from HT/LT lines.

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[Handwritten signatures and initials]
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2. The respondent in reply briefly stated that the complainant is seeking new electricity connection at A-365/A, FF, Gali no. 10, Shri Ram Colony, Rajiv Nagar, Delhi-110094 vide application no. 8007079259. The application of the complainant seeking new domestic connection was declined due to applied premises is unsafe/has inadequate clearance from HT/LT lines. Accordingly, in violation of Regulation 61 of Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010.
3. The complainant in its rejoinder submitted that his premise is not under the HT line. There is appropriate vertical and horizontal distance and new connection applied by the complainant can be released by the respondent as previously this Forum after considering all rules and regulations and CEA Guidelines has ordered for release of new connection in premises where distance of HT line from applied premises is less than the distance of the complainant's premises.
4. Both the parties were directed to conduct joint site visit to ascertain the actual position at site. The site visit report dated 04.09.2024 was submitted before the Forum and the report submitted that the applied premises found near HT line 220 KV. Horizontal distance is 2.60 meters approx., vertical distance is 18.10 meters approx, building height with mumty is 11.90 meters approx. Net vertical distance is $18.10 - 11.90 = 6.20$ meters approx.
5. Matter was listed for hearing on 27.02.2025, when OP pointed out an order of Electricity Ombudsman dated 14.02.2025 in appeal no. 45/2024 in the matter of Smt. Sunita Devi Vs BSES YPL. In the appeal the complainant had challenged the order of this Forum CGRF dated 08.10.2024 in the complaint no. 314/2024 wherein this CGRF had held that since there is not sufficient distance from EHV line, therefore the connection cannot be granted to the complainant.

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The Electricity Ombudsman set aside the order passed by the CGRF-BYPL as it did not find any material to show that DTL was at all involved in ascertainment of clearance for connection as per CEA Regulations. The Delhi Transco Limited (DTL) is the only authority to certify whether the distance is safe or not. Accordingly, the Electricity Ombudsman directed the Discom to associate DTL for joint inspection to ascertainment of compliance with the 2023 safety Regulations.

In view of the above, notice was issued to DTL for joint inspection to ascertain compliance with the 2023 safety Regulations in this case.

6. DTL vide its letter dated 10.03.2025, submitted that joint inspection in the present matter has already been submitted before the Forum. DTL attached their earlier correspondence with the Forum dated 07.12.2022, which states that the horizontal clearance of the structure from perpendicular to the bottom phase conductor is approx. 1.95 meters and do not meet safety clearances as specified by CEA safety regulations.
7. Heard arguments of both the parties' length.
8. Before disposal of the complaint, relevant Rules and Regulations should be dealt with.

DERC Regulation 11 (2)(iv)(c) of DERC Supply Code 2017, states
(iv) The Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

c. the energisation would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.

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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.

Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2023 is as follows:

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63. 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 any building or part of a 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 V - 3.7 metre;
and upto and including 33 KV
- (ii) for lines of voltages exceeding 33 Kv - 3.7 metre plus
0.30 metre
for every additional 33
KV
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 V - 1.2 metre;
and upto and including 11 KV
- (ii) for lines of voltages exceeding 11 KV
And upto and including 33 KV - 2.0 metre;
- (iii) for lines of voltages exceeding 33 KV - 2.0 metre plus 0.3
metre for
every additional 33 KV
or
part thereof.

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(4) For high voltage direct current systems, the vertical and horizontal clearances, on the basis of maximum deflection due to wind pressure, from buildings shall be maintained as below;

Sl. No.	High Voltage direct current	Vertical Clearance (metre)	Horizontal Clearance (metre)
1	100KV	4.6	2.9
2	200 KV	5.8	4.1
3	300 KV	7.0	5.3
4	400 KV	7.9	6.2
5	500 KV	9.1	7.4
6	600 KV	10.3	8.6
7	800 KV	12.4	10.7

5) The vertical and horizontal clearances shall be as measured as illustrated in Schedule VIII C

Explanation: - For the purposes of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary.

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, 2023, as amended from time to time.

9. Thus, it is clear from the above that the premises of the complainant falls under the HT line and electricity connection cannot be given there. DTL report also clearly states that the distance between the complainant's premises and HT is 1.95 meters which is very much less than the prescribed limit.

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ORDER

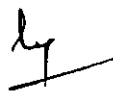
Complaint is rejected. Respondent has rightly rejected the application of new connection of the complainant.


The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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