



C A No. Applied For
Complaint No. 443/2023

In the matter of:

Ram Avtar

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

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. Imran Ul Haq Siddiqi, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 30th April, 2024
Date of Order: 03rd May, 2024

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

1. The brief facts of the case giving rise to this grievance are that complainant Ram Avtar has applied for new electricity connection at premises no. H.No. 14, GF, Kh. No. 59, Gali No. 1, Chauhan Patti, Kaushal Puri, Karwal Nagar, Delhi-110094, vide application no. 8006584633. The application of consumer was rejected by Opposite Party (OP) BYPL on the pretext that premises where new connection is applied is under HT line.

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2. The respondent in reply briefly stated that new electricity connection has been applied by the complainant vide request no. 8006584633 at GF of H.No. 14, GF, Kh. No. 59, Gali No. 1, Chauhan Patti, Kaushal Puri, Karwal Nagar, Delhi-110094. Site of the complainant was visited on 24.11.2023 and on site visit it was found that horizontal distance from HT line was 2.70 meters and net vertical distance was 10.15 meters after taking into consideration the height of building, hence TF was rejected.

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 pertain 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.

3. DTL was issued notice for providing Horizontal and Vertical distances. Both the parties were directed to file additional documents in their support.
4. Counsel of the complainant submitted judgment of Khushboo Vs BSESYPL C.G. No. 51/2022, in support of his contention that Forum has

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ordered OP to release the new electricity connection to the complainant where Horizontal distance is 1.70 meter. Whereas, in the said judgment of the forum has rejected the application of the complainant for grant of new connection due to in-sufficient horizontal and vertical distance.

5. Heard arguments of both the parties were heard at length.
6. The issue is whether the connection of the complainant vide application number 8006584633 can be released, if there is improper clearance from HT line?
7. DTL vide its report dated 10.02.2024, clearly stated that the horizontal clearance of the structure from perpendicular to the bottom phase conductor is 2.40 meter (approx.) and do not meet safety clearances as specified by CEA safety Regulations. Vertical clearance of premises from bottom phase conductor is > 9.20 meter approx. Distance of premises with respect to adjacent tower is 5.29 meter approx.
8. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

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."

9. 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:-

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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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10. 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 10 meter approx for 220 KV line. Whereas horizontal distance should be 3.69 meter for 220 KV line as per above regulation.
11. The joint inspection was conducted by team of DTL & BYPL on 14.02.2024; its report is on record which shows the concerned premises of complainant Meera Devi, falls under DTL's 220 KV Mandola-South of Wazirabad overhead transmission line (circuit-IV).
Horizontal clearance is 1.70 meter approx
Vertical clearance is 9.20 meters approx
Therefore it is very much clear that horizontal clearance is not as per norms mentioned in Regulation 61 of CEA.
12. Therefore, rejection of complainant's application no. 8006584633 for new electric connection at H.no. 14, GF, Kh. No. 59, Gali no. 1, Chauhan Patti, Kushal Puri, Karawal Nagar, Delhi-110094 by OP BYPL is justified and based on safety and security.

ORDER

We are of considered opinion that since, there is not sufficient horizontal and vertical distance from the EHV line, therefore, the connection cannot be granted to the complainant.

The case is disposed off as above.

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

(H.S. SOHAL)
MEMBER

(P.K. AGRAWAL)
MEMBER (LEGAL)

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

(P.K. SINGH)
CHAIRMAN

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