

C A No. Applied For
Complaint No. 17/2022

In the matter of:

Kumkum Devi

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mrs. Vinay Singh Member(Law)
2. Mrs. Monika Taneja, Member (CRM)

Appearance:

1. Ms. Pushpa Devi, complainant
2. Mr. Imran Siddiqi and Mr. Deepak Jain, On behalf of BYPL

ORDER

Date of Hearing: 21st February, 2022

Date of Order: 23rd February, 2022

Order Pronounced By:- Mrs. Vinay Singh, Member (Law)

Briefly stated facts of the case are that the complainant applied for new electricity connection but the respondent has not released the same till date.

It is also her submission that she applied for new electricity connection vide application no. 8005261635 for a load of 1 KW but the respondent company rejected her application for new connection on the pretext of "premises is under "RIGHT OF WAY" of HT Line.

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Therefore, she requested the forum to direct the respondent for immediate release of the new connection.

Notices were issued to both the parties to appear before the Forum on 21.02.2022.

The respondent in their reply stated that the complainant applied for new electricity connection at the premises no. H.No. 55, G/F, Gali No. 1, Kh.No. 48 & 51, Ambey Colony, Chauhan Patti, Delhi-110094, for domestic purpose vide request no. 8005261635 dated 02.11.2021.

On site verification it was found that the premises in issue is under RIGHT OF WAY of HT Line, a deficiency letter was issued to the complainant on 23.11.2021 duly intimating the complainant that "Premises is under RIGHT of way of HT Line" (Horizontal distance from premise to HT line conductor is 0 meters vertical distance from ground to HT Conductor is 15.60 meters approx, building height with mumty is 5.60 meters and net vertical distance from roof to H.T. conductor = $15.60 - 5.60 = 10$ meters approx), and terrace area is 312 sq feet and mumty area is 32 sq feet hence, the new electricity connection is not possible.

It was also their submission 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.

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The matter was listed for hearing on 21.02.2022, when respondent filed their reply. Arguments were heard and matter was reserved for orders.


We have gone through the submissions made by both the parties and heard their arguments. From the narration of facts and material placed before us we find that the premises where the electricity connection has been requested by the complainant is in the right of way width of 220 KV (EHV) Transmission line of DTL as submitted by the respondent and on this ground itself the respondent 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."

As per classification of the voltages by CEA-the 220KV voltage is classified under Extra High Voltage (EHV) and the building is not under the line as per explanation given at Schedule X for Rule 61 of CEA Safety Regulations. Also in the agenda point no. 4 for the 4th meeting of CEA standing committee on electrical safety, in January 2019, states as under:-

"In this regard, it may be stated that CEA Electrical Safety Regulations, 2010, with its present amendments does not cover/indicate the ROW requirements for transmission lines. Neither has it showed any relation of ROW with the electric safety clearance specified in Regulation 58, 60 and 61 of CEA Electrical Safety Regulations, 2010. Due to this, problem is being faced by the Transmission/Distribution licensees in prohibiting people from construction of permanent structures below or close to the EHV or HV electric corridors."

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In a similar matter (complaint No. 73/2019), of Sunita Kumari, a letter was written to the Assistant Electrical Inspector, for safety clearances from 220 KV transmission lines, for their opinion/comments.

The Electrical Inspector, vide letter no. ED.4(01)/EI/2020/57 dated 31.01.2020 specify that "the present matter does not come under purview of Regulation 63 of the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2010. However, the minimum vertical and horizontal clearances of the lines are to be maintained in accordance with the provisions under Regulation 61 of the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2010. Further, the measurement of vertical and horizontal clearances of lines shall be as specified in Schedule X of the said Regulations."

There is no provision in the Act, CEA Regulations and DERC Regulations, which prohibits release of electricity connection in houses and permanent structures near or close to EHV line if electrical safety clearances as specified in Regulations 58, 60 and 61 of CEA electrical safety regulations 2010 are available for that particular construction. Regulations 61 of CEA 2010, is as under:-

61 Clearances from 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:-

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- i) Horizontal distance 0 meters approx
- ii) Vertical distance 15.60 meters approx
- iii) Building height 5.60 meters approx
- iv) Net vertical distance $15.60 - 5.60 = 10$ meters approx

Thus, there is violation of Regulations 58, 60 and 61 of the CEA electrical Safety Regulations 2010.

We are of considered opinion that as per CEA electrical and safety Regulations 2010 and DERC Regulations 2017 and also as per site visit report of respondent, there is no sufficient horizontal and vertical distance available for granting new connection, so the connection cannot be granted.

The case is disposed off as above.

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


(MONIKA TANEJA)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)