

C A No. Applied For
Complaint No. 140/2022

In the matter of:

Manoj ShuklaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)

Appearance:

1. Mr. Manoj Shukla, Complainant
2. Mr. Imran Siddiqi, Mr. Deepak Jain & Ms. Shweta Chaudhary,
On behalf of BYPL

ORDER

Date of Hearing: 29th September, 2022

Date of Order: 07th October, 2022

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Sh. Manoj Shukla, against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Sh. Manoj Shukla has applied for new electricity connection in Kh. No. 319, 419 & 126, GF, H.No. 9, Sabhapur, Delhi, vide application no. 8005610721. 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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3. The respondent in reply briefly stated that new electricity connection has been applied by Manoj Shukla vide request no. 8005610721 on dated 05.04.2022 at House No. 9, GF, Kh.No. 319, 419 & 126, Main Road, Anuvrat Vihar, Sabhapur, Delhi-94. On site inspection it was found that premises is under RIGHT OF WAY OF H.T. LINE, (Horizontal distance = 2.80 meter approx, vertical distance = 14.65 meter, applied building height is 4.10 meter, net vertical distance = $14.65 - 4.10 = 10.55$ 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.

4. DTL submitted their report dated 16.09.2022, stating therein that establishment bearing address as Manoj Shukla, GF, Kh. No. 319, 419 & 126, H.No. 9, Main Road, Anuvrat Vihar, Delhi-94, falls under DTL's 220 KV double circuit Mandola-South of Wazirabad overhead transmission line (circuit-II).

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Horizontal clearance of the structure from perpendicular to the bottom phase conductor is approx. 2.70 meters and do not meet safety clearances as per CEA safety regulations. Vertical clearance of premises from bottom phase conductor is more than 8.0 meters.

5. Heard both the parties and perused the record.
6. The issue is whether the connection of the complainant vide application number 8005610721 can be released, if there is improper clearance from HT line?
7. The complainant has argued that he has applied for new connection vide application no. 8005610721 at GF, Kh. No. 319, 419 & 126, H.No. 9, Main Road, Anuvrat Vihar, Delhi-94 which was rejected by OP-BYPL on the ground that premises are RIGHT OF WAY OF H.T. LINE. He also contested that respondent has already issued many connections in his area.
8. Legal Representative of the BYPL has argued on basis of evidence available on record. Respondent submitted that distance clearance between HT line and applied premise is approx 2.70 meter, therefore, electricity connection to complainant cannot be given in view of Safety Regulations in 79 & 80 of Electricity Rules 1956 and Rule 60 of Central Electricity Authority (Measures relating to safety and electric supply) Regulations 2010.
9. Before disposing off the application of the complainant, it is relevant to discuss the rules and regulations applicable to this issue.

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10. 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."

11. 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:-

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- (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.

12. 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 5.3 meter for 220 KV line. Whereas horizontal distance should be 3.69 meter for 220 KV line as per above regulation.

The joint inspection was conducted by team of DTL & BYPL on 16.09.2022, its report is on record which shows the concerned premises of complainant Manoj Shukla, falls under DTL's 220 KV double circuit Mandola-South of Wazirabad overhead transmission line (circuit-II).

Horizontal clearance is approx 2.70 meters

Vertical clearance is more than 8 meters

Therefore it is very much clear that horizontal clearance is not as per norms mentioned in Regulation 61 of CEA.





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Therefore, rejection of complainant's application no. 8005610721 for new electric connection at GF, Kh. No. 319, 419 & 126, H.No. 9, Main Road, Anuvrat Vihar, 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.


(NISHAT AHMAD ALVI)
MEMBER (CRM)


(P. K. SINGH)
CHAIRMAN