

C A No. Applied for
Complaint No. 120/2023

In the matter of:

Sunil RathiyaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Vindo Kumar, Counsel of the Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 30th May, 2023
Date of Order: 31st May, 2023

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

1. This complaint has been filed by Mr. Sunil Rathiya, against BYPL-LNR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Sunil Rathiya resides at H.No. US-7/A, SF, Gali No. 1, Balmiki Mandir, Mandawali Fazalpur, Delhi-92. It is also his complaint

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That he applied for new electricity connection vide request no. 8006160996 but respondent rejected his application for new connection on the pretext of premises under HT line. Therefore, complainant's application for release of new connection may be granted.

3. The respondent in reply briefly stated that the complainant applied for grant of new electricity connection vide application no. 8006160996 at property bearing no. US-7/A, SF, Gali No. 1, Balmiki Mandir, Mandawali Fazalpur, Delhi-92.

On site verification it was found that the premises are under RIGHT OF WAY of H.T. line. The horizontal distance from HT line was found to be 1.9 meters, 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 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.

As the HT line is of 66 KV thus Horizontal distance of 2.31 meters is required whereas in the present case horizontal distance is 1.9 meters only.

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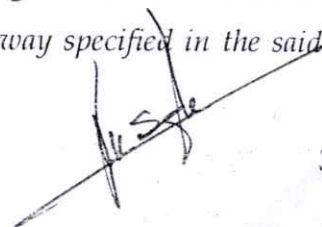
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4. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
5. During the course of arguments OP submitted copy of e-mail dated 29.05.2023 submitting therein that after taking shut down of 66 KV both ckts, horizontal distance of subject premises (H.no. US-7A) from 66 KV conductor measured and found 2 meter 8 cm.
6. The issue is whether the connection of the complainant vide application number 8006160996 can be released, if there is improper clearance from HT line?
7. 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 2.08 meter; therefore, electricity connection to the 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.
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:-

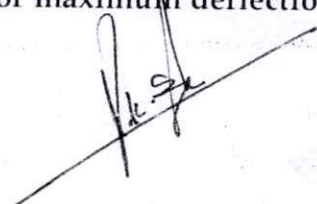
- | | |
|---|----------------------------|
| (i) For lines of voltages exceeding 650 Volts | 3.7 meters |
| Upto and including 33,000 volts | |
| (ii) For lines of voltages exceeding 33 KV | 3.7 meters plus |
| | 0.30 meter for ever |
| | additional 33,000 volts or |
| | part thereof. |

(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:-

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

11. This line is 66 KV which is exceeding 650 V as per above provisions horizontal distance should be 2.3 meter for 66 KV line as per above regulation.

The inspection report submitted by BYPL dated 29.05.2023; submitted that the horizontal and vertical distance between HT line and complainant's premises is as under:

Horizontal clearance is **approx 2.08 meters**

Therefore, as per above stated horizontal clearance is concerned, as per BYPL report it is 2.08 meters, in case of 66 KV line required clearance is 2.3 meter as per law, which is approx to permissible limit as required by Rule 60 & 61 of CEA Guidelines.

12. 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.

GA by Dept

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13. 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:


- 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.


NISHAT A. ALVI
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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