

CA No. Applied For
Complaint No. 32/2020

In the matter of:

RajniComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Singh, Member (CRM)

Appearance:

1. Ms. Rajni, the complainant
2. Mr. Imran Siddqi, Mr. Kuldeep Kumar & Mr. B.B. Sharma, On behalf of BYPL

ORDER

Date of Hearing: 23rd September, 2020

Date of Order: 28th September, 2020

Order Pronounced By:- Mr. Arun P Singh (Chairman)

Briefly stated facts of this case are that the complainant sought grant of new connection.

It is her submission that she applied for new connection in her name vide application no. 8004249118 on dated 06.12.2019, but the respondent company rejected her application for new connection on the pretext of "Right of Way of H.T. Line."

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She requested the Forum to direct the respondent company for immediate release of the new connection.

On notice the respondent company appeared before the Forum and submitted their reply. The case was listed for hearing before the Forum and both the parties were heard extensively.

The respondent in their reply stated that the complainant applied for new electricity connection at the premises i.e. Plot No. 57, Kh.No. 32, Ambey Enclave, Chauhan Patti, Near Sonia Public School, Delhi-110094 vide request no. 8004249118 dated 06.12.19.

On inspection it was found that the premises in issue is under HT Line, a deficiency letter was issued to the complainant on 11.12.19 duly intimating the complainant that "Premises is under HT Line, right of way of H.T. Line." The site was re-visited on 26.05.2020 and recorded the details as under:

- Vertical distance ground from HT conductor is 12.4 meter approx.
- Horizontal distance G/F from HT conductor is 4.70 meter
- Horizontal distance from F/F from HT conductor is 3.75 meter
- Building height from ground is 9.07 meter
- Building height from street is 7.65 meter approx.

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 HT lines pertains to DTL and only DTL can ascertain the clearance of the connection as per CEA Regulations. BYPL is neither capable nor authorized to measure the clearance etc for

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building under the said HT lines. It was also submitted that complainant has not complied with the Regulation 63 as no intimation prior to carrying out the construction was ever given to the respondent.

It is pertinent to mention here that during the course of hearing the Forum directed that a notice be issued to CMD, Delhi Transco Limited, regarding EHV line. DTL is required to intimate vertical and horizontal clearances of the building and also distance from the nearest tower of this 220 KV line. A copy of Ministry of Power, GOI letter dated 16.07.2020, regarding Guidelines for Payment of compensation in regard to Right of Way (ROW) for transmission in Urban Areas was enclosed with the notice.

The respondent submitted copy of inspection report done with DTL person but they refused to sign and informed that they will submit their report to CGRF directly.

The matter was finally heard on 23.09.2020, when the respondent filed joint inspection report with DTL. Officer of the Forum is directed to file their reply at the earliest for deciding the case. Complainant also submitted that she is facing a lot of problems without electricity and requested for early granting of her connection. Matter was reserved for orders.

The DTL vide their letter no. F.DTL/206/2020-21/Mgr.(T) O&M (E-4)/TR-794/165 dated 18.09.2020 in which DTL submitted as under:-

'Horizontal distance of nearest part of building from perpendicular of live conductor of 220 KV Mandola-South of Wazirabad Ckt-I is 3.9 mtr.'

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

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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."

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

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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:-

- | | |
|--|---|
| (i) For lines of voltages exceeding 650 Volts
Upto and including 33,000 volts | 3.7 meters |
| (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
for | 2.0 meters plus 0.3 meter

every additional 33,000 volts
or part thereof. |

Provisions for electrical safety in the DERC Regulations are 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.

The, under the line condition and line passing adjacent to the building sketch has also been shown on schedule X for the Rule 61 of CEA Regulations, which indicates that if any portion of a building/construction lies between the vertical space between the spread width of the outermost conductors (alongwith swings due to wind pressure), then the building/construction is said to be under the line. In the present case the building/construction is not under the line as per clearances details submitted by the respondent. The details submitted by the respondent are as under:-

- i) Height of the conductor from ground 12.4 meters approx
- ii) Height of the building- 9.07 meters approx
- iii) Horizontal distance between line and building-3.9 meters (the line is neither adjacent to the building nor the building is under the line as per diagram of Schedule XA for Rule 61, CEA Safety Regulations.

Thus, there is no violation of Regulations 58,60 and 61 of the CEA electrical Safety Regulations 2010. However, the complainant is required to submit undertaking as below:-

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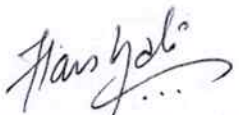
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- i) That she shall not extend the present building structure without prior permission from BYPL/DTL, (particularly vertical extension). Jointly signed sketch of the premises, mentioning the present clearances shall also be part of the agreement for release of this connection.
- ii) As a precautionary measure, she shall ensure that no one is allowed to climb at the roof area of the house (As per her submission/site report presently there are no staircase for the roof area).
- iii) 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.
- iv) The respondent is directed to release the connection after completing all necessary commercial formalities and submission of affidavits/undertakings as mentioned in the order.

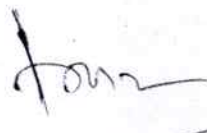
The case is disposed off as above.

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

Proceedings closed.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P. SINGH)
CHAIRMAN