



C A No. Applied For  
Complaint No. 73/2019

In the matter of:

Sunita Kumari .....Complainant

**VERSUS**

BSES Yamuna Power Limited .....Respondent

Quorum:

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

Appearance:

1. Ms. Sunita Kumari, the complainant
2. Mr. Imran Siddqi, Mr. Vishal Acharya, Mr. Kuldeep Kumar & Mr. B.B. Sharma, On behalf of BYPL

ORDER

Date of Hearing: 06<sup>th</sup> February, 2020

Date of Order: 07<sup>th</sup> February, 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. 008004105817 on dated 18.09.2019, 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. GF, Kh. No. 419, H.No. 14, Gali No. 5, Kaushal Puri Chauhan Patti, Near Chawla Farm, vide request no. 8004105817 dated 18.09.19.

On inspection it was found that the premises in issue is under HT Line, a deficiency letter was issued to the complainant on 30.09.19 duly intimating the complainant that "Premises is under HT Line, right of way of H.T. Line." Apart from this, ELCB was also not installed at the site and electric wiring was also incomplete.

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 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.

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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 EHT line of 220 KV. DTL is required to intimate vertical and horizontal clearances of the building and also the maximum swing for this 220 KV line at that point.

On hearing dated 06.01.2020, reply filed by DTL was supplied to the respondent. Respondent was directed to file some clarifications regarding location and measurement and also to file comments on the reply of the DTL. The complainant also stated that there are lots of connections released before 2017 which are still running in the area.

A letter was written to the Assistant Electrical Inspector, for safety clearances from 220 KV transmission lines. Their opinion/comments regarding compliance/contravention of Regulations 58,60 and 61 in this case, as mandated under Regulation 63 of the CEA Electrical Safety Regulations 2010.

The Electrical Inspector, vide its 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."

During the hearings, the respondent expressed apprehension that once the electricity connection is given, the complainant may extend the present structure and such extension may cause infringement of electrical safety clearances as provided in the Act or Regulations.

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There are many connections released prior to 2017, where the houses are located near/under the Transmission lines, <sup>and records for</sup> ~~when given the adequate~~ electrical clearances as per requirement of rule 60 & 61 of the CEA Regulation 2010 are not available. Am —

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 also in the agenda point no. 4 for the 4<sup>th</sup> 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."*

**The final Minutes of the meeting/decision in the matter is not available on the CEA website till pronouncement of this order.**

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There is no provision in the Act, CEA Regulations and DERC Regulations, which prohibits constructions of 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<br>Upto and including 33,000 volts | 3.7 meters  |
| (ii) For lines of voltages exceeding 33 KV                                       | 3.7 meters plus<br>0.30 meter for ever<br>additional 33,000 volts or<br>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<br>Upto and including 11,000 volts   | 1.2 meters   |
| (ii) For lines of voltages exceeding 11, 000 V<br>And upto and including 33, 000 V | 2.0 meters   |
| (iii) for lines of voltages exceeding 33 KV<br>for                                 | 2.0 meters plus 0.3 meter<br>every additional 33,000 volts<br>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.

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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 and adequate clearances are available, details submitted by the respondent are as under:-

- i) Vertical clearance (Height of the conductor from ground 14.82 meters
- ii) Height of the building- 7.5 meters, (thus difference of the height of the conductor and the highest point of the building is 7.32 meter)
- iii) Horizontal distance between line and building-2.75 meters (though line is not adjacent to the building as per diagram of Schedule XA for Rule 61, as height of the conductor is more than building height by more than seven meters).

Thus the electrical clearances in the present case are adequate and 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:-

- 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) 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.

 The respondent is directed to release the connection after completing all necessary commercial formalities and submission of affidavits/undertakings as mentioned in the order.

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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)

  
(ARUN P SINGH)  
CHAIRMAN

  
(VINAY SINGH)  
MEMBER (LEGAL)