

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
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SECY/CHN/015/08NKS

C A No. Applied For
Complaint No. 56/2019

In the matter of:

Idrish KhanComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Complainant
2. Mr. Imran Siddiqi, Mr. Kuldeep Kumar &
Mr. B.B. Sharma, On behalf of BYPL

ORDER

Date of Hearing: 22nd November, 2019

Date of Order: 25th November, 2019

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

The complainant lodged a complaint in CGRF regarding non installation of new connection. The grievance of the complainant is that he applied for a new connection on 08.01.2018 vide reference no. 8003126284 but the respondent company rejected his application for new connection on the pretext of "premises is under the right of way of HT line."

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It was also his case that on 16.08.2019 he again applied for new connection vide reference no. 8004045536, but the respondent again rejected his application for new connection on the same ground that 'premises under H.T. line, premises is under RIGHT OF WAY OF H.T. Line.' He further added that his premises are far away from HT line. He requested the Forum to direct the respondent company for installation of electricity connections in his name at his premises at the earliest.

Notice was served to both the parties to appear before the Forum on 01.10.2019. On notice the respondent company appeared before the Forum and submitted their reply.

The respondent in their reply submitted that complainant applied for new electricity connection at premises no. A219/B, GF, Kh. No. 283/110, Gali No. 06, Sri Ram Colony, Rajiv Nagar, Delhi, for domestic purpose vide request no. 8004045536 dated 16.08.19 in respect of GF of the premises.

It was further their submission that on inspection dated 19.08.19 it was found that the premises in issue is under HT line, as such the deficiency letter dated 20.08.19 was issued to the complainant duly intimating that "Premises is UNDER HT LINE, Right of way of H.T. Line"

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.

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It is pertinent to mention here that during the course of hearings the respondent was directed to measure the vertical and lateral clearance, to which the respondent stated that they do not have the measurement instrument of vertical and lateral clearance. The Forum felt that Delhi Transco Limited should be made a party, since the HT lines passing over the premises of the complainant pertain to DTL and they were directed to measure the vertical and lateral clearance of the premises of the complainant and produce before the Forum.

Delhi Transco Limited (DTL) was also given opportunity to present their case in the matter alongwith the provisions in the Act or Regulations which prohibits construction in the ROW of the EHV lines. Though the existing provisions regarding electrical safety requirements are quite clear yet, the respondent BYPL was also directed to obtain the opinion of electrical inspector.

Representatives from DTL also appeared before the Forum on 15.11.19. During the hearing they were asked to give their comments on electrical safety issue in the matter and also design value of conductor swing and compensation admissibility in terms of Govt. of India (Ministry of Power) guidelines dated 15.10.2015 regarding payment of compensation towards diminution of land value in the width of Right of Way (ROW). The respondent and DTL were asked to take the opinion of electrical inspector in the matter, if they have any safety issue in allowing construction/electricity connection in the cases where adequate electrical clearances as per Act/Regulations are available but such constructions are in the ROW of the EHT line.

DTL submitted their reply dated 22.11.19 but it did not include the information as desired by the Forum during the hearing on 15.11.19. DTL in their letter no. F.DTL/206/2019-20/Mgr. (T) O&M (E-4)/TR-794/198 dated 21.11.19 submitted that the location in reference has been visited and found that the structure of Idrish Khan, A-219/B, Gali No. 6, Shriram Coloy, Delhi is situated under and in between DTL's 220 KV double circuit Mandola-South of Wazirabad overhead

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transmission line(circuit-III &IV). These circuits cater major power demand of East and Central Delhi areas. These circuits were laid more than 30 years back, after getting clearance of Right of Way (ROW) from the land owning agencies. Over the years, large scale encroachments have taken place and illegal construction has come up in the right of way of the line. They also submitted horizontal distance from live conductor of 220 KV South of Wazirabad-Mandola, Pkt-III is 2.2 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 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 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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The final Minutes of the meeting/decision in the matter is not available on the CEA website till pronouncement of this order.

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, 10 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 | 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 | 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. |

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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 (under no swing condition), but as per clearances details submitted by the respondent, adequate clearances may not be available under the swing (deflection due to air pressure) conditions.

Since, in the present case adequate electrical clearances (from electric field ^{consideration} conductor) as required under CEA electrical safety Regulations are not available, the present complaint is therefore dismissed.


If DTL wants to acquire specified ROW (35m strip) for maintenance of these EHV lines, they should take action in accordance with the provisions in law and GOI (Ministry of Power) guidelines dated 15.10.2015.

The complaint stands disposed of accordingly.

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)