

**OFFICE OF THE ELECTRICITY OMBUDSMAN**  
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)  
**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**  
(Phone No: 011- 26144979)

**Appeal No. 11/2022**

(Against the CGRF-BYPL's order dated 05.04.2022 in Complaint No.51/2022)

**IN THE MATTER OF**

Ms. Khushboo

Vs.

BSES Yamuna Power Limited

**Present:**

Appellant: Ms. Khushboo along with Shri Neeraj Kumar, Advocate,  
of the Appellant

Respondent No. 1: Shri K. Jagatheesh, DGM, Shri Deepak Jain, DGM, Shri  
Abhishek Sharma, Business Manager, Ms. Shweta  
Chaudhary, Legal Retainer and Ms. Ritu Gupta, Advocate,  
on behalf of BYPL

Respondent No. 2: Shri S.K. Sharma, Manager and Shri Rajesh Kumar,  
Deputy Manager on behalf of M/s Delhi Transco  
Limited

Date of Hearing: 22.07.2022 & 17.08.2022

Date of Order: 18.08.2022

**ORDER**

1. Appeal No. 11/2022 has been filed by Ms. Khushboo through her Advocate Shri Neeraj Kumar against the order of the Forum (CGRF-BYPL) dated 05.04.2022 passed in Complaint No. 51/2022. The issue concerned in the Appellant's grievance is regarding non-release of a new domestic electricity connection by the Respondent at her premises bearing No. Khasra No. 107, Ground Floor, G-5/9 Gali No.16, Sonia Vihar, Delhi - 110094.



2. The background of the case, as stated by the Appellant is that she had applied for a new domestic electricity connection but the same was rejected by the Respondent on the grounds that the premises is under Right of Way of Extra High Tension (EHT) Line. When the Respondent did not release the electricity connection to the Appellant, she approached CGRF for redressal of her grievance with a prayer to direct the Respondent to release the connection, as many more electricity connections have been installed in the vicinity of her premises. On the direction of the CGRF, the Delhi Transco Limited (DTL) visited the site, in question, and submitted their joint report vide letter dated 25.03.2022 mentioning therein that the Horizontal clearance of the structure from perpendicular to the bottom phase conductor is 1.70 meters and vertical clearance from bottom phase conductor is 7.05 meters.

The CGRF also mentioned an Electrical Inspector's letter dated 31.01.2020 regarding safety clearances from 220 KV transmission lines in the matter of Ms. Sunita Kumar vs BYPL, wherein it is specified that "xxxxxx. 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".

3. In view of the above, the CGRF observed that the premises where the electricity connection has been applied for, is falling under the HT line, hence, there is violation of Regulations 58, 60 and 61 of the Central Electricity Authority (Measures relating to Safety & Electric Supply), Regulations, 2010 (as already elaborated in the CGRF's order). As such, the Forum is of considered opinion that there is not sufficient horizontal and vertical distance from the EHV line, therefore, the connection cannot be released.

4. The Appellant was not satisfied with the decision of the CGRF and has preferred this appeal on the following grounds:

- That there are no outstanding dues pending on the premises.
- That many more new electricity connections were installed under the HT Lines in this area.
- That a proper inquiry be made for release of new connections.



- The official of the Respondent are extorting money for exact report for release of a new connection.
- That the CGRF did not give her proper opportunity during the hearing in violation of principles of natural justice.


In view of above, the Appellant prayed to set-aside the impugned order dated 05.04.2022 passed in Complaint No. 51/2022 by the CGRF and also prayed to allow the cost of the proceedings and any other or further order as deemed fit and proper.

5. The case was taken up and the first hearing was held on 22.07.2022. During the hearing, both the parties were present in person along with their Counsels. An opportunity was given to both the parties to the plead at length.

6. The Appellant through her prayed that in the interest of natural justice and studies of her children, she may be provided the electricity connection. The Appellant also contended that connections have been given to houses which are similarly placed. On questioning, (a) whether there was any property chain documents available, (b) whether the property was having any connection at the time of purchase and, if not, without electricity how she lived there (c) how old is this premises. The Appellant could not give satisfactory reply to the above questions and it could be seen that the Appellant was obfuscating for reasons known to her.

7. The Respondent apart from submitting their written statement argued that they have rejected the application of the Appellant for release of a new connection on the following grounds:

- Besides the safety parameters, there are outstanding dues also. In case it pertains to another name and address, it can only be dropped after taking clarification from the concerned department.
- Certain connections as stated above in para '3' supra were granted prior to the notification of the year 2017. Thereafter, all electricity connections which come under EHV Lines are required to maintain vertical/horizontal distance in accordance with law.



8. After hearing the arguments, it was decided that Delhi Transco Limited (DTL), is one of the important party, hence, DTL also be impleaded for presenting their version. The matter was adjourned and listed for 17.08.2022 at 1.30 PM.

9. On 17.08.2022, hearing was held. The officials of the Delhi Transco Limited, along with both the parties were present. The Officers of the DTL contended on the following lines:

(i) A right of way is required to be maintained (35 meters in case of 220 KV Lines). They have been writing to Deputy Commissioner (MCD) of the area accordingly.

(ii) They have also put up a case in the court of SDM for eviction/demolition of constructions below the EHV Lines. They further contended that they have received no response from the SDM's Court.

(iii) The Delhi Government also has been educating the residents and prospective residents refraining them from undertaking construction below the 220 KV Lines. The Government has also mentioned the 'right of way' (35 meters) where construction should not be undertaken below the EHV Line. GNCT of Delhi has been putting advertisements in the newspapers also, in this regard. On questioning as to what is the reason for this exercise, DTL replied that it was required for safety of the residents.

10. I have gone through the appeal, written statement of the Respondent and relevant circulars/rules very minutely. I have also heard the arguments of the contending parties. Relevant questions were asked and queries raised by the Ombudsman, Advisor (Engineering) & Advisor (Law) on various issues to elicit more information for clarity. This Court tends to agree with the Respondent that the premises, in question, is located right below the 220 KV EHV lines owned by Delhi Transco Ltd. As per the DTL, Joint Inspection Report dated 25.03.2022, mentioning therein the vertical clearance of the conductor from the building is approximately 7.05 meters whereas the horizontal clearance is 1.7 meters. The above clearance, specifically from the horizontal clearance point of view, makes the building and its inhabitants vulnerable to accidents and is dangerous to the life and property. Further, the



letter referred to by the Respondent dated 18.01.2017 issued by the Deputy Secretary (Power) also clearly mentions the following:

*"- Yamuna/River front which falls under "Zone O" as per Delhi Master Plan 2012 notified on 07.02.2007. In the "Zone O", the construction done by any person is illegal and would be dealt strictly as per law.*

*- Construction 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 Regulations."*


11. Both the provisions are very specific and the construction undertaken in the 'Zone O' and also under the High Tension Lines are considered illegal. The Respondent is not required to give connection to the illegal/unauthorized buildings. This also has been emphasized by the High Court in their order dated 20.12.2017 in the matter of Parivartan Foundation Vs South Delhi Municipal Corporation & Ors. in writ petition WP(C) 11236/2017, where the Discoms/Delhi Jal Board have been categorically instructed not to give connection to illegal/unauthorized buildings. The directions of the GNCT of Delhi are also very clear that the constructions undertaken below the EHV Line in the right of way, are unauthorized and have also been making suitable endeavours to educate the population about it. It is also a fact that fatal accidents of electrocutions have been reported from the area. The recent being an incident on 15.08.2022.

12. With regard to the contention of the Appellant that the connections have been given in the locality, the Respondent replied that these connection were given prior to the letter of the Deputy Secretary (Power), Govt. of NCT of Delhi, dated 18.01.2017 and as a matter of policy and abundant caution, they have not been giving connections subsequent to this letter. This court considers the argument as lame as the EHV line existed prior to 2017 and Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, also was there in force prior to 2017 (in fact the Regulations came into force in 2010 and even prior to that similar provisions existed in the statute book). Considering the existence of both the above factors, the danger to life/property was always there. The questions are two folds, i.e. (i) why was the Respondent waiting for Deputy Secretary (Power) to arbitrate on an important issue concerning danger to life and property of the citizens, and (ii) why was the DTL



not consulted earlier. It is unfortunate that the Respondent has been releasing connections despite existence of the above factors while putting the life and property in jeopardy. In an appeal of similar nature, the Court has given a task to Respondent to identify such connections and submit a report regarding corrective action proposed to be taken against such connections. The report would be submitted on or before 04.09.2022 by the Respondent.

Given the above exposition, I am of the considered view that no interference is required with the CGRF's verdict, and appeal hereby stands disallowed.

  
(P. K. Bhardwaj)  
Electricity Ombudsman  
18.08.2022