

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. 16/2021

(Against the CGRF-TPDDL's order dated 15.03.2021 in CG No. 122/2020)

IN THE MATTER OF

SHRI AVDEHSH JAIN

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Rajesh Kumar on behalf of the Appellant

Respondent: Shri Ajay Joshi, Sr. Manager and Shri Taxeen Singh, Asst. Manager and Shri Amit Kumar, Technical In-charge on behalf of the TPDDL.

Date of Hearing: 25.08.2021, 01.09.2021 & 16.09.2021

Date of Order: 28.09.2021

ORDER

1. The appeal No. 16/2021 has been filed by Shri Avdhesh Jain, through his authorized representative Shri Rajesh Kumar, against the order of the Forum (CGRF-TPDDL) dated 15.03.2021 passed in CG No. 122/2020. The issue concerned in the Appellant's grievance is regarding non-release of new electricity connection by the Discom (Respondent) at his shop bearing Khasra No. 137/5/2, Ground Floor, Lal Dora, Village Burari, Delhi - 110084.

2. The Appellant submitted that his application for release of new connection has been rejected number of times since the year 2019, by the Discom, on the ground that his shop has been constructed under the EHV (Extra High Voltage) Line. The Appellant further stated that as per the Discom since the line is passing

very near to his roof therefore his connection cannot be released on account of safety reasons. However, in support of his argument he stressed that number of connections had been released earlier by the Discom and are already working in the nearby houses which are also not conforming to the safety measures and are very near to the EHV Line. He has also alleged in his appeal that the officials of the Discom had demanded Rs.10,000/- for the release of electricity connection and prayed for intervention for release of the said connection. In view of the same, he prayed to direct the Discom to release his connection and also assured that he will not use the roof of the shop which may endanger the safety of the human being. Since his connection was not being released by the Discom, therefore, he approached the CGRF, wherein his complaint was rejected on account of safety hazard due to the closeness of the shop to the 220 KV line. In view of above, he has preferred this appeal with a request to get the connection released on the basis of the connections already working in his neighbourhood under the same situation as is being experienced by him.

3. The Discom in its reply submitted that the Appellant had filed the complaint in the month of November, 2020, before the CGRF with respect to non-release of new connection which was applied by him on 15.10.2019 in the name of Shri Avdhesh Jain for 2 KW non-domestic category at Kh. No. 137/5/2, Ground Floor, Lal Dora, Sant Nagar, Village Burari, Delhi. The Discom further conveyed that the applied premises is located under 220 KV EHV electricity line and on this account the new connection notification was cancelled by them. The intimation with respect to proximity to the EHV line was given to the Appellant vide suspension/ cancellation letter dated 18.10.2019. Further, the CGRF vide its final order dated 15.03.2021 has also held that the applied premises is a safety hazard due to its closeness to the 220 KV line and the denial of the applied connection is in right perspective. The CGRF also observed in its order that as per the site report dated 02.03.2021, the premises is constructed up to ground floor and horizontal clearance is Zero and vertical clearance is 5.21 meter (approx.), whereas as per CEA (Central Electricity Act) Regulations the required horizontal clearance has to be minimum 3.8 meters and vertical clearance should be minimum 5.5 meters. The Discom further stated that the layout sketch of 220 KV line shows that the applied premises is located just below and in the middle of the 220 KV line and a photograph showing roof of the applied premises further confirms that the applied premises is undoubtedly below and exactly in the middle of 220 KV line. Hence, applied premises is unsafe due to violation of safety

norms as prescribed by CEA Safety Regulations, 2010, as well as Rule 80 of the Electricity Rules, 1956.

4. The Discom also reproduced the applicable Clause 61 of CEA Regulations, 2010 and Clause 11 (2) (iv) of DERC (Supply Code and Performance Standards) Regulations, 2017, which states as under:

- (i) *Clause 61(Clearances from Buildings of lines of voltage exceeding 650 V)*

Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010 (Notification dated 20.09.2010) further provides that:

- (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 a 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 no less than-*
- (i) *For lines of voltages exceeding 650 volts up to and including 33000 volts- 3.7 meters.*
- (ii) *For lines of voltages exceeding 33 KV - 3.7 meters plus 0.30 meter for every additional 33000 volts or part thereof.*
- (3) *The horizontal clearance between the nearest conductor and any part of such building shall, on the basis of maximum of deflection due to wind pressure, be not less then -*
- (i) *For lines of voltage exceeding 650V upto and including 11000 volts - 1.2 meters.*
- (ii) *For line of voltages exceeding 11000V and upto and including 33000V - 2.0 meter.*

- (iii) *For lines of voltages exceeding 33 KV - 2.0 meters plus 0.3 meters for every additional 33 KV or part thereof.*
- (ii) *Clause 11 (2) (iv) - of DERC (Supply Code and Performance Standards) Regulations, 2017 states that - The licensee shall not sanction the load, if upon inspection, the Licensee finds that:*
- (c) - the energization would be violation of any provision the Act, Electricity Rules, Regulations, or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.*

5. The Discom further submitted that as per the directions of the CGRF, they carried out the site inspection of the applied premises and submitted the report whereby it was informed that the applied premises is constructed for Ground Floor (Shop) and the Horizontal Clearance is Very Near (considered as No Margin or Zero) and Vertical Clearance is 5.21 meter (approx.), whereas, as per CEA - Regulation, required Horizontal Clearance should be 3.8 meter and Vertical Clearance as 5.5 meter.

It is also submitted that the CGRF gave directions to re-verify the available clearance and clearly specify the extent of violation. Hence, they took the help of Mobile Application (Ruler App-Camera Tape Measure with 4.1 rating) to measure the distances wherein the vertical clearance measurement recorded by this Mobile Application came out to be 5.21 meters. In addition to above, the Discom submitted that an affidavit dated 10.03.2021 to this effect was submitted by them in the CGRF vide which they confirmed that the applied premises is a shop at ground floor and the horizontal distance of premises to EHV 220 KV line is very near (considered as no margin or zero) and vertical clearance- 5 meter approximately and confirm the same. Further, in order to measure the exact distance of the premises with 220 KV line with the help of Mobile Application (Ruler App - Camera Tape Measure with 4.1 rating) was taken and the vertical clearance measurement recorded by this Mobile Application came out to be 5.21 meters.

As regards the contention of the Appellant with respect to connections sanctioned in neighbourhood vicinity, it is stated that there are many other buildings in this unauthorized colony which are also in violation of safety distance norms however these premises had been granted electricity connections many years back. No new connection in this area had been granted since 2014 with the strict enforcement of safety rules and regulations. During the course of hearing in the CGRF, the Appellant also cited/referred that some of the connections sanctioned in his neighbourhood whereupon they submitted the details of the connections which evidently made it clear that these connections were sanctioned way back in the year 2003.

The Discom finally submitted that in light of above, it is crystal clear that they have acted in accordance with provisions of the Regulations/prevailing Law and the applied premises is in close proximity with the 220 KV line which is a safety hazard. The Discom further denied all the accusations with respect to illegal demands as same are wrong, without substance and with the sole view to malign their prestige. In view of facts and circumstances referred hereinabove, the Discom prayed to dismiss the present Appeal as the premises in which electricity connection is applied for is a safety hazard due to its closeness to 220 KV electricity line and the CGRF has rightly held that the denial of the connection in the applied premises is in right perspective.


6. After hearing both the parties and considering the material on record, it is observed that the basic issue revolves around the non-release of non-domestic new electricity connection to the Appellant basically on account of safety issues involved therein, as per the provision under Clause 61 of CEA's Notification, 2010 and Regulation 11(2) (iv) (c) of the Supply Code and Performance Standards Regulations, 2017. It is also observed that the vertical and horizontal clearances were measured by the Discom as per the direction of the CGRF which were intimated to be 5.21 meter (approx.) and Zero respectively. As the Appellant did not seem to be satisfied with the clearances as measured and intimated by the Discom during the course of hearing in the CGRF, therefore in the interest of justice both the parties were directed on the first date of hearing on 25.08.2021, to measure the clearances jointly and submit the report duly signed by both on the next date of hearing viz; 01.09.2021. As the parties could not measure the clearances due to heavy rains till 01.09.2021, hence the next date of hearing was fixed on 16.09.2021, by which date they were again directed to come alongwith the joint inspection report.

The measurement of the clearances was carried out by both the parties jointly on 04.09.2021 and the report duly signed by both was submitted on the next date of hearing on 16.09.2021. As per the joint inspection report, the clearance of the roof of the shop/premises from the nearest 220 KV line is 5.09 meter and from the sketch it is evidently clear that the shop of the Appellant is exactly under the EHV line thereby concluding that the horizontal clearance is zero in the instant case. It is pertinent to mention here that the authorized representative on behalf of the Appellant admitted during the hearing that he is satisfied with the joint site inspection report and the method of measurement of the Discom. Hence, from the records, it is observed that the requisite vertical and horizontal clearances from the existing EHV line is not available in the instant case. In view of above, the contention of the Discom regarding violation of Clause 61 of CEA Safety Regulations, 2010, is quite relevant as it stipulates that an overhead line shall not cross over an existing building and no building shall be constructed under an existing overhead line. Since in the instant case, the building/shop was constructed by the Appellant under an already existing overhead EHV line, so he should have taken the required approval and permission from the Discom before erection/construction of the shop as per the Clause 63 of CEA, Regulations, 2010. Further, as per the Regulation 11 (2) (iv) (c) of the DERC Supply Code and Performance Standards, Regulations, 2017, the Discom is well within its rights to deny the new electricity connection to the Appellant in view of violation of the provision of the safety norms. It is also held that the release of new electricity connection in the instant case is not technically feasible and viable. It is important to mention here that the dwelling units under such line is hazardous for the lives of the residents and can cause loss of human life.

Hence, in view of above background and the affidavit submitted by the Discom during the hearing in the CGRF, it is prudently decided that in the present case, the requirement of adherence of the safety norms regarding vertical and horizontal clearances between roof of the applied premises and the existing 220 KV EHV line are not fulfilled and as such the Discom is well within its rights to deny the electricity connection to the Appellant. However, with regards to the contention of the Appellant that other houses in the neighbourhood have already been provided with the electricity, it is held that the fact cannot be ignored merely on the submission by the Discom that these were released many years back and no new connection has been provided after the year 2014. In this regards, the CGRF has rightly observed that this matter is of grave concern and the Discom is

advised to coordinate with the appropriate authorities of M/s Delhi Transco Limited (DTL) to take appropriate corrective action in order to avoid any untoward incident causing loss of human life.

Hence, no intervention with the verdict of the CGRF is warranted and the appeal stands disposed of as dismissed, being unsustainable.


(S.C.Vashishta)
Electricity Ombudsman
28.09.2021