

**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. 16/2022**

(Against the CGRF-BYPL's order dated 18.01.2022 in Complaint No.125/2021)

**IN THE MATTER OF**

Shri Sabir Ali

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Sabir Ali

Respondent: Shri Deepak Jain, DGM, Shri K. Jagatheesh, Sr. Manager,  
Ms. Shweta Choudhary, Legal Retainer and Ms. Ritu Gupta,  
Advocate, on behalf of BYPL

Date of Hearing: 03.08.2022

Date of Order: 04.08.2022

**ORDER**

1. Appeal No. 16/2022 has been filed by Shri Sabir Ali, R/o G-3/313, Ground Floor, Khasra No. 172, Gali No. 12, Pushta -5, Sonia Vihar, Delhi - 110094, against the order of the Forum (CGRF-BYPL) dated 18.01.2022 passed in Complaint No. 125/2021.

2. The background of the case is that the Appellant had applied for a new electricity connection for a load of 1 KW on 23.02.2021 vide Application No. 8004809002 at the above said premises which was rejected by the Respondent on the ground that the premises is under Right of way of HT Line.

3. The CGRF in its order stated that the premises where electricity connection sought is under the HT line and the line is passing/adjacent to the building, as per following details submitted by the Respondent:



- (a) Height of the conductor from ground 11.40 meters approx.
- (b) Height of the building - 5.60 meters approx.
- (c) Horizontal distance between line and building - 0 meters.

Thus, there is violation of Regulations 58, 60 & 61 of the Central Electricity Act (CEA) - Electrical Safety Regulations, 2010. In view of this, the Forum, cannot give any relief to the complainant.

4. The Appellant again applied for a new connection on 25.02.2022 vide Application No. 8005508519 and this time also the Respondent rejected on the same ground that the premises is with inadequate/unsafe clearance from HT/LT lines. Against this rejection, the Appellant has filed this appeal along with the CGRF-BYPL's order dated 18.01.2022 (on Application No. 8004809002 dated 28.12.2021) with the prayer to direct the Respondent for release of a new connection.

5. The above appeal was admitted and the date of hearing was fixed for 03.08.2022. During the hearing, both the parties were present in person. On the date of hearing, an opportunity was given to both the parties to this appeal.

6. The Appellant contended on the lines submitted in the appeal and conveyed that the connections have been given to other residents in the area and the joint inspection report also is silent on whether the connection be given or not. The report only talks about (a) vertical and horizontal distance/clearance and (b) Right of Way for the Extra High Voltage (EHV) Lines. The Appellant further submitted that there are no dues pending with the property in question and the bills shown by the Respondent are false. The Appellant prayed for setting aside of the order of the CGRF-BYPL and release of connection.

7. The Respondent apart from submitting their written statement rebutted the contention made by the Appellant on the following lines:

(i) Referred to the letter of Deputy Secretary, Department of Power, Govt. of NCT Delhi dated 18.01.20217 wherein the Department has specially instructed not to release connection below the HT Lines, i.e. 220 KV line in this case. The letter also mentions that no construction be allowed below HT Lines

(ii) Joint Inspection Report stating the vertical and horizontal clearance of the subject premises don't meet the criteria enshrined in sections 58, 60 & 61 of the CEA rules.



The Respondent while referring to the above arguments claimed that they rejected the application for release of connection.

8. I have gone through the appeal, written statement of the Respondent, examined the letter of the Deputy Secretary (Power) and relevant 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. The Court, after going through the above, is of considered opinion that the Appellant is not entitled to the connection applied for. 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. The vertical clearance of the conductor from the building is approximately 7.05 meters whereas the horizontal clearance is '0' (Zero meter). The above clearance specifically from the horizontal clearance point of view makes the building and its inhabitants vulnerable from 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.”*

9. 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 has been categorically instructed not to give connection to illegal/unauthorized buildings.

10. The contention of the Appellant that the connections have been given in the locality and even the next door neighbours have been given connections in the year 2010/2012/2015. He also produced two orders of the CGRF in which CGRF has also instructed Respondent to release the connections in the




general area and also near/below the same EHV (220 KV) line. When confronted with this fact, the Respondent could only say that these connection were given prior to the letter of the Deputy Secretary (Power) 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 Act (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 question is why were the Respondent waiting for Deputy Secretary (Power) to arbitrate on an important issue concerning danger to life and property of the citizens. It is unfortunate that the Respondent has been releasing connections despite existence of the above factors while putting the life and property to jeopardy.

In view of the above discussions, I am of the considered opinion that the CGRF order of not releasing connection to the Appellant is right and I tend to agree with the order. Further, the Respondent is asked to:

- Review all the connections given in the area in the light of prevalent provision of law and also the letter written by the Deputy Secretary (Power), specially connections released under the EHV Line.
- Take necessary action as per law after analyzing the vulnerability of the connections.
- The analysis/review should be undertaken in a time-bound manner by a Committee headed by senior functionary and should also include representative of Delhi Transco Limited (owner of EHV).
- The result of the analysis/review may also be shared with the undersigned in 30 days positively.

The appeal is disposed off accordingly.

  
(P. K. Bhardwaj)  
Electricity Ombudsman  
04.08.2022