

**OFFICE OF 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**

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**Appeal No. 45/2024**

(Against the CGRF-BYPL's order dated 08.10.2024 in Complaint No. 314/2024)

**IN THE MATTER OF**

**Smt. Sunita Devi**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

Appellant: Smt. Sunita Devi along with Advocate, Shri Israr Ahmed

Respondent: Shri Deepak Jain, General Manager, Ms. Chhavi Rani, Legal Retainer and Shri Akash Swami, Advocate, on behalf of BYPL

Date of Hearing: 13.02.2025

Date of Order: 14.02.2025

**ORDER**

1. Appeal No. 45/2024 dated 22.11.2024 has been filed by Smt. Sunita Devi, R/o House No. 6, Khasra No. 419, Ground Floor, Anuvrat Vihar, Kaushal Puri, Delhi - 110094, through her advocates Shri Israr Ahmad & Shri Sanjay Khera, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 08.10.2024 in Complaint No. 314/2024.

2. The background of the case is that the Appellant had applied for new electricity connections vide Application No. 8006967990, for domestic use at the above cited address. This application was rejected by the Discom through an "intimation of deficiency" letter dated 27.05.2024, mentioning therein "premises having inadequate/unsafe clearance from HT/LT lines". Against this, the Appellant filed a complaint with the CGRF-BYPL, stating that while Discom denied to release the connection to her due to proximity of High Tension Lines, but there is already an existing electricity pole in the street, and multiple connections have been provided to other premises in the neighbourhood. She, therefore, requested for release of the connection applied for.



3. The Discom's submission before the Forum was that a site visit was conducted on 27.05.2024 and it was found that the premises in question had inadequate clearance from HT Lines, and, therefore, there is violation of Regulation 61 of Central Electricity Act, (measuring relating to safety and electric supply) Regulations, 2010, which provides for distance both vertical and horizontal to be maintained from the highest/nearest point of building together with Regulation 5 of Chapter 2 of DERC's Supply Code, 2017 – Safety of electrical installations. In this regard, the Discom referred to the earlier order passed by the Forum on 02.05.2024 on the same issue pertaining to similar area in the case of Smt. Meera Devi vs. BYPL. Discom also referred to Deputy Secretary, Power's letter dated 18.01.2017, in which it has been specifically mentioned that no construction be allowed below the HT Lines. Furthermore, the Respondent carried out two additional site visits, while the case was pending in the Forum on 09.08.2024 and on 05.10.2024. In both the reports, it was found that the applied premises located near a 220 KV Line, with a horizontal distance of 1.90 M, vertical distance 12.50 M, building height of 5.90 M and net vertical distance is 6.60 M) and, falls under Right of Way of HT lines. Also, enforcement dues amounting to RS.18,593/-, booked on 09.08.2019 remain outstanding against the premises, in question.

4. The Appellant filed another rejoinder on 09.09.2024, submitting that the horizontal distance of her premises, where the connection was requested, is in accordance with the Regulation 61 of CEA (Regulations), 2010 and, she has requested for release of new connection, in view of the electricity being necessary of life.

5. The CGRF-BYPL, in its order dated 08.10.2024, stated in details that as High Tension Line comes under the jurisdiction of Delhi Transco Ltd. (DTL) and only DTL can ascertain the clearance of the connection, in accordance with the CEA (Safety Regulations), 2010, and Regulation 5(11) of DER's Supply Code, 2017, and, therefore, rejected the request of the complainant for release of new connection.

6. The Appellant, not satisfied with the Order dated 08.10.2024 passed by the CGRF-BYPL, has filed this appeal on the following grounds:

- (i) The Forum failed to appreciate that the premises, where connection applied for is not under the HT Lines and the distance is according to the Regulations 10 of CEA Regulations, 2010. It is clearly visible in the photographs of the premises that there is much more than vertical distance from the roof of the premises to HT line.
- (ii) The Discom did not conduct a proper inspection of the site before rejecting the application for release of new a connection.



- (iii) Respondent is biased, as they have denied the connection to the Appellant, while released multiple connections to the neighbouring premises that are at the similar condition/situation.
- (iv) The Appellant cannot be denied the basic amenities, i.e. an electricity connection merely because of the premises is located near HT lines.

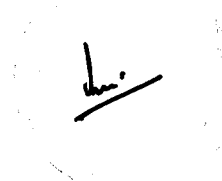
The Appellant has made the following requests:

- (a) To set-aside the CGRF-BYPL's order dated 08.10.2024.
- (b) To direct the Discom to coordinate with DTL to ensure the accurate measurements of distance, in accordance with the CEA, Regulations, 2010. If it is within the limits, the connection be released. If not, the deposited demand amount should be refunded to her.
- (c) Compensation of Rs.50,000/- for the harassment suffered by her.

7. The Discom, in its response to the appeal vide their letter dated Nil reiterated its submission as before the CGRF. Reliance was placed on the Provision of Regulation 63 of the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023, laying down vertical clearance of 5.8 meters and horizontal clearance of 4.1 meters for 200 KV line. In addition, the Discom submitted that the Appellant has neither disputed the measurement of the distance as provided in the Site Inspection Reports nor requested for impleading of DTL, as a necessary party to measure the distance before the Forum. Consequently, the Appellant's new plea that only the DTL can ascertain the clearance of connection, barred by the law of waiver and estoppel.

8. The appeal was admitted and fixed for hearing on 13.02.2025. During the hearing, the Appellant was present along with Shri Israr Ahmed, Advocate. The Respondent was represented by its authorized representatives/Advocate. An opportunity was given to both the parties to plead their respective cases at length. Relevant questions were also asked by the Ombudsman as well as the Advisors present

9. During the course of hearing, the advocate for the Appellant reiterated her stand as in the appeal and her request. The Appellant contended that connections to the building on both the left and right sides had been released since 2020 but she being a widow was denied the connection for baseless reasons. In addition, she has also raised apprehension about denial of connection due to non meeting of the demand for money, as one of the reasons. In support of her contention regarding the permissible distance of the subject premises from the HT Lines, she submitted relevant site photographs, which were taken on record.

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10. In rebuttal, the Respondent re-iterated its written submission and stated that it was admitted fact that the vertical distance of the premises has been met as per safety regulations, but not the horizontal distance. The Respondent relied upon the latest safety guidelines and the laws on the subject which necessitated maintenance of horizontal distance of 4.1 meters for 200 KV line. The criteria laid down in the Regulations were not complied with in the present case. Whether other nearby premises were compliant with the safety criteria and other released connections to others were reviewed in the light of the latest Law, could not be satisfactorily explained by the Respondent. The Respondent conceded that measurement was based on the presumptions and there was no accurate measurement of the distance. To this extent, the claim of the Appellant about non carrying out proper measurement stood fortified.

11. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- (i) Discom has relied upon letter dated 18.01.2017, of Department of Power, whereby connections below HT Lines are not to be released for protecting Right to Way.
- (ii) There is a recognized requirement to comply with CEA Regulations, 2023, Regulation 63 for sufficient vertical and horizontal distance from EHV lines.
- (iii) Whether all existing connections in the area have been released in compliance with the directives in the Department of Power's letter dated 18.01.2017 and the CEA Regulations, 2023, is not borne from the record.
- (iv) The deficiency letters (more than one on record) refer to premises with inadequate/unsafe distance from HT/LT lines.
- (v) Appellant has raised grievance that the site visit was not carried out before rejection of complaint by Discom. Whether Appellant was associated during site visits on 09.08.2024 and revisit on 05.10.2024 is not mentioned.
- (vi) There is no material to show that DTL was at all involved in ascertainment of clearance for connection as per CEA Regulations. The Delhi Transco Limited (DTL) is the only authority to certify whether the distance is safe or not. Moreover, in respect of other premises whether Right of Way was maintained, required a thorough investigation.
- (vii) In the interest of justice and fair play, either DTL needs to be impleaded as Respondent No. 2, for evaluation of the exact distance between building and HT lines or orders be issued to Discom to coordinate with DTL for joint inspection. If distance meet safety parameters per Regulations 63 of CEA,



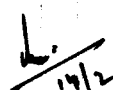
2023, then connection be granted after fulfilling commercial formalities. Whether other connections released in the area are also in violation of the Regulations need consideration.

12. In the light of the above, this court directs as under:

- (i) The order passed by the CGRF-BYPL is set-aside.
- (ii) The Discom is directed to associate DTL for Joint Inspection to ascertainment of compliance with the 2023 Safety Regulations. The Joint Inspection will also cover the aspect of maintenance of Right to Way by the various buildings in the area.
- (iii) If the DTL gives the clearance on the horizontal distance and vertical distance, in view of safety regulations, as specified, the requisite connection be granted subject to completion of other commercial formalities by the Appellant.
- (iv) Outcome of the Joint Inspection be reported to this office within four weeks

13. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that the Order of Settlement of Grievance raised in the appeal is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
14.02.2025