

03.07.2024
Sl. No.310(ML)
srm

W.P.A. No. 16173 of 2023
Mithun Ghosh
Versus
The State of West Bengal & Ors.

Mr. Lutful Haque
...for the Petitioner.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra
...for the WBSEDCL.

1. The petitioner alleges that the West Bengal State Electricity Distribution Company Limited had drawn a high tension line over the petitioner's land and over a densely populated area, which has deprived the petitioner from using his land. Safety and security has also been compromised.
2. The learned Advocate for the West Bengal State Electricity Distribution Company Limited submits a report prepared by the Station Manager, Panchthupi Customer Care Centre, which states that the entire high tension overhead line has been drawn through a public road and no one could have had any objection to the drawing of such line. It is also stated that the Kali temple is situated at a safe distance as per the rules.

3. Learned Advocate appearing for the petitioner submits that the District Magistrate, Murshidabad would be the proper authority to decide the issue and relies on a decision of this Court in the matter of Ranjana Mahapatra (Kanu) vs. The Chairman, West Bengal State Electricity Distribution Company Limited & Ors. [In Re: W.P. 6967 (W) of 2016].
4. The said judgment does not apply to this case, as the same relates to non-submission of a 'no objection' in Format-A of Regulation 3.2.1 of the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010.
5. Moreover, this is a case of drawal of the high tension line and the safety measures have been provided in the Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023. Regulations 62 and 63 are quoted below:

“62. Clearance from buildings of lines of voltage and service lines not exceeding 650 V. (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 not exceeding 650 V passes above or adjacent to or terminates on any building, the following minimum clearances from any accessible point, on the basis of maximum sag, shall be observed, namely: -

(i) for any flat roof, open balcony, varandah roof and lean-to-roof, -

- (a) when the line passes above the building, a vertical clearance of 2.5 metre from the highest point; and
- (b) when the line passes adjacent to the building, a horizontal clearance of 1.2 metre from the nearest point;
- (ii) for pitched roof, -
 - (a) when the line passes above the building, a vertical clearance of 2.5 metre immediately under the line; and
 - (b) when the line passes adjacent to the building, a horizontal clearance of 1.2 metre.
- (3) Any conductor so situated as to have a clearance less than that specified in sub-regulation (2) shall be replaced with Aerial Bunched Cable and to be attached at suitable intervals to a bare earthed bearer wire having a breaking strength of not less than 350 kgf.
- (4) The horizontal clearance shall be measured when the line is at a maximum deflection from the vertical due to wind pressure.
- (5) The vertical and horizontal clearances shall be measured as per illustration provided in Schedule VIII C. Explanation. For the purposes of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary.

63. Clearances from buildings of lines of voltage exceeding 650 V. (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 not less than, -

- | | |
|---|---|
| (i) for lines of voltages exceeding 650 V and up to and including 33 kV | 3.7 metre; |
| (ii) for lines of voltages exceeding 33 kV | 3.7 metre plus 0.30 metre for every additional 33 KV 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, -

- (i)

for lines of voltages exceeding 650 V and up to and including 11 kV

1.2 metre;
- (ii)

for lines of voltages exceeding 11 kV and up to and including 33 kV

2.0 metre;
- (iii)

for lines of voltages exceeding 33 kV

2.0 metre plus 0.3 metre for every additional 33 kV or part thereof.

(4) For high voltage direct current systems, the vertical and horizontal clearances, on the basis of maximum deflection due to wind pressure, from buildings shall be maintained as below:

Sl. No.	High Voltage Direct Current	Vertical Clearance (metre)	Horizontal Clearance (metre)
1.	100 kV	4.6	2.9
2.	200 kV	5.8	4.1
3.	300 kV	7.0	5.3
4.	400 kV	7.9	6.2
5.	500 kV	9.1	7.4
6.	600 kV	10.3	8.6
7.	800 kV	12.4	10.7

(5) The vertical and horizontal clearances shall be as measured as illustrated in Schedule VIII C.

Explanation. For the purposes of this regulation, the expression "building" shall be deemed to include any structure, whether permanent or temporary."

6. Under such circumstances, in the absence of any specific pleading as to how the petitioner’s right of enjoyment of his

property and his safety has been jeopardised by the action of the authorities, the writ petition cannot be entertained.

7. The petitioner is at liberty to approach the appropriate authority with his grievance, with better particulars and specifications.
8. Accordingly, the writ petition is dismissed.
9. There shall be no order as to costs.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)