

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

(Phone: 011-41009285 E.Mail elect_ombudsman@yahoo.com)

Appeal No. 06/2026

(Against the CGRF-TPDDL's order dated 24.02.2026 in CG. No. 139/2025)

IN THE MATTER OF

Shri Deepak Kumar

Vs.

Tata Power Delhi Distribution Limited (TPDDL)

Present:

Appellant: Shri Deepak Kumar on behalf of his father, Shri Bhim Singh

Respondent: Shri Manmeet Singh, Adl. GM, Shri Sanjay Kumar Gupta & Shri Virender Kumar, Sr. Managers and Shri Anurag Kumar, Asst. Manager, on behalf of the TPDDL

Date of Hearing: 03.06.2026

Date of Order: 05.06.2026

ORDER

1. Appeal No.06/2026 has been filed by Shri Deepak Kumar on behalf of his father, Shri Bhim Singh (Registered Consumer of CA No.60010229486), R/o H-3/1415, Block-H, Jahangir Puri, Delhi - 110033, against the CGRF-TPDDL's order dated 24.02.2026 passed in CG No.139/2025.

2. The background of the case is that the Appellant, a resident of the subject premises, has sought urgent intervention regarding a 19-year pending electric pole shifting work that remains unexecuted despite formal departmental approval, full payment, and continuous follow-ups. The Appellant contended that while all other poles in the lane are systematically aligned on the right side, the disputed pole is wrongly placed on the left side, standing encroached inside his private property boundary. The pole was installed without his prior consent or a No Objection Certificate (NOC). He had formally applied for the shifting of the pole from his private residential premises on 30.11.2005, following which NDPL (now TPDDL) approved the request vide Order No. 60000699 dated 27.04.2006 and directed



him to deposit Rs.12,469.57. This amount was duly paid via Demand Draft dated 02.05.2006.

The Appellant submitted that despite the official sanction and full payment, the pole continues to stand inside his premises, posing a constant risk of electrocution and fire hazard. All his repeated efforts for pole shifting have gone in vain. He further argued that the Discom, in its reply, admitted that the work was approved and the payment was retained, but falsely blamed the non-execution on an unsubstantiated "neighbour dispute" without providing any written document, proof of objection, cancellation order, refund record, or official diary entry. Furthermore, no refund was ever initiated in 19 years, and TPDDL is now arbitrarily directing him to apply afresh, submit new documents, and incur enhanced charges as per current estimates. The Appellant strongly objected to this as an arbitrary, unjust, and unfair retention of consumer money for nearly two decades, which exposes him to continuous safety hazards in direct violation of the DERC Supply Code. Consequently, he contended that a financial refund at this delayed stage is neither adequate nor acceptable. He had requested that the Discom be directed to immediately shift the pole outside his property boundary and align it on the correct side of the lane.

3. The Respondent, in its written submission dated 12.01.2026, presented before the Forum, stated that Shri Bhim Singh had applied for pole shifting and deposited the shifting cost of Rs. 12,469.57 on 19.08.2006. Following the receipt of this payment, a site visit was conducted. However, due to an active resistance at the site between the neighbour and the Appellant, the pole shifting could not be executed, and the scheme was subsequently cancelled. Although the Appellant was asked to collect a refund cheque for the deposited amount, he refused to accept the refund of his money for the pole shifting. Now, after a prolonged interval, the Appellant has once again approached for the shifting of the pole. Subsequently, a site inspection was conducted on 26.12.2025, which revealed that under the current site conditions, an HT pole equipped with a single-phase 25 KVA DT is located in close proximity to the premises within a narrow street. As established by the site photographs placed on record, shifting the pole is structurally not feasible. Accordingly, the refund of deposited amount shall be given to the Appellant upon the submission of a formal refund application along with the requisite commercial documents. Moreover, the Respondent had issued a notice to the Appellant on 24.06.2013 for removal of unauthorized construction at the site. However, the Appellant has failed to take any action to date.

In addition, the Appellant argued that the impugned site inspection report dated 21.01.2026 is based on visual approximation, lacks authenticated measurements, omits safety assessment and does not examine feasibility in a



comprehensive or objective manner. Hence, the report does not provide a reliable basis for determining technical feasibility or safety compliance.

4. The Forum, in its order dated 24.02.2026, noted the pole-shifting constraints submitted by the Respondent via a directed joint site visit report dated 21.01.2026, which included photographs and videography. The report concluded that pole shifting is not feasible due to the following constraints:

1. Crane operation is not possible in the narrow street; therefore, installation of an 11 m HT pole is not feasible.
2. An 11 m HT pole cannot be transported to the installation site due to narrow street, and manual installation is also not possible.
3. The total width of the street is 9 feet. As per the drawing, the pole-mounted substation requires a horizontal spread of 6 feet. Although a horizontal clearance of 1.2 m was maintained on the consumer end after demolition of the extended premises, the required 1.2 m (4 feet) horizontal clearance from the front portion of the DT structure to the opposite consumer premises (opposite consumer also extend their premises by 2 feet approx.) cannot be maintained.

The Forum directed the Respondent to credit and adjust the deposited amount of Rs. 12,469.57 with applicable rate of interest w.e.f. 19.08.2006 till date of receipt of the order in the future monthly bills of CA No. 60010229486. Furthermore, the Respondent was ordered to ensure safe site conditions around the pole and implement all necessary safety precautions in compliance with the relevant Regulations.

5. The Appellant, dissatisfied by the order dated 24.02.2026, passed by the CGRF-TPDDL, has filed this appeal on behalf of his father, Shri Bhim Singh. He has reiterated his stand as previously stated before the CGRF. Moreover, he argued based on the grounds: (i) deviation from the established alignment, which is a foundational issue has not been examined; (ii) the approved sanction should not be considered as cancelled; (iii) there is alleged resistance from neighbors, yet no legal basis has been documented; (iv) the conclusion of non-feasibility, as per the joint inspection report dated 21.01.2026, lacks support from any recorded technical basis and there is no identified material change; (v) statutory safety compliance has not been objectively verified; (vi) the monetary refund is insufficient as it does not address the structural issue raised. Relevant photographs of the site have also been placed on record as evidence. The Appellant asserted that the order fails to document any authenticated



measurements, thus the acceptance of an unverified claim that no safety concerns exist cannot replace the compliance determination required under Section 53 of the Electricity Act, 2003, in conjunction with Regulation 63 (3) (i) of the CEA safety regulations. Furthermore, the contested order noted the serving of a notice dated 24.06.2013 regarding unauthorized construction. However, there is no record of an assessment order or final proceedings under Section 126 or Section 135 of the Electricity Act, 2003, following the aforementioned notice recorded in impugned order.

The Appellant has prayed following:

- (i) Set aside the impugned order dated 24.02.2026 passed by the CGRF in CG No.139/2025, insofar as it holds the sanctioned pole shifting infeasible and directed refund;
- (ii) Record correction that the Registered Consumer is alive and that the contrary observation recorded in the impugned order is factually erroneous;
- (iii) Direct the Respondent to produce the complete technical and administrative record relating to the subject pole from 2005 onwards including;
 - a) feasibility assessment of 2006, site inspection report, approved shifting location, alignment sketch and technical sanction record;
 - b) any record forming the basis of the alleged cancellation; and
 - c) the complete file relating to the notice dated 24.06.2013, including inspection reports and proceedings, if any.
- (iv) Direct a fresh, documented joint technical inspection of the site with recorded and authenticated measurements, alignment mapping, dimensional verification and clearance assessment.
- (v) Direct verification and recording of the actual physical dimensions of the existing pole-mounted Distribution Transformer structure, including its horizontal spread, foundation position, and clearance from adjoining structures, and comparison with the standard drawing relied upon by the Respondent.
- (vi) In the event feasibility of the sanctioned shifting is confirmed upon proper technical examination, direct implementation of the shifting



approved vide Order No.60000699 dated 27.04.2006 without imposition of fresh charges.

- (vii) In the alternative, if any technically feasible configuration or relocation within statutory norms is identified, direct its implementation within a time-bound period.
- (viii) Grant such other or further relief as this Office may deem fit and proper in the interest of justice.

6. The Respondent, in its written submission dated 06.04.2026 to the appeal, reiterated the facts that had been previously presented to the CGRF-TPDDL. The Discom refuted all the allegations and arguments put forth by the Appellant in the appeal. They raised preliminary objections regarding unauthorized construction at the site that interferes with the network and must be removed to comply with horizontal and vertical clearances under CEA guidelines of 2011 and 2023. The Discom explained that because the notice dated 24.06.2013 pertained exclusively to the removal of this unauthorized construction, the question of passing an assessment order under Section 126 or Section 135 of the Electricity Act, 2003 did not arise.

Furthermore, the Respondent submitted that the inspection report dated 21.01.2026 revealed that shifting is technically not feasible due to access constraints, mechanical constraints, and safety clearance issues. As per standard engineering drawings, a standard pole-mounted sub-station requires a 6-foot horizontal spread. The mandatory 1.2-meter horizontal clearance from the DT structure to the opposite premises cannot be maintained, even after accounting for demolished extensions, because the opposite residents have also extended their premises. The Respondent clarified that Regulation 63 (3) (i) applies only to new installations or modifications rather than old installations on their part. They emphasized that qualified engineers have already conducted multiple inspections to determine feasibility but of no avail. Moreover, the consumer's reliance on a sanction of 2006 is misplaced since urban landscapes, especially in Delhi, undergo significant material changes over the period of 20 years due to new constructions, unauthorized encroachments, and vertical expansions by neighbours. Finally, the Discom stated that they have initiated a refund of the deposited amount including interest in compliance with the CGRF's order, which will reflect in the upcoming billing statement. They are bound to do regulatory framework under Regulation 24 of DERC Supply Code, 2017. In addition, they asserted that because they are not mandated to preserve administrative files for more than seven years under Regulation 69 of the DERC Supply Code, the Appellant's demand for records nearly two decades old is not maintainable.



7. The appeal was admitted and fixed for hearing on 03.06.2026. During the hearing, representatives of both the parties are present. 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 Advisor, Secretary to elicit more information on the issue.

8. During the hearing, the Authorized Representative (AR) for the Appellant reiterated the arguments, contentions regarding safety concerns, and prayers made before the CGRF and in the present appeal. The Appellant sought permission to place his Rejoinder on record. The same was taken on record. In response to a query by the Ombudsman as to why the Appellant remained silent for nearly 18 years and did not actively pursue either execution of the sanctioned work or refund of the deposited amount during this period. However, no convincing response was presented by the Appellant. Moreover, the Appellant asserted that the property is an authorized property and the first floor had already been constructed in accordance with layout plan approved by MCD. He contended that all other electricity poles in the lane are installed in continuity/alignment on the right side of the street, whereas the pole, in question, is installed wrongly on the left side of the street. He argued that the Respondent should have explored an alternative location for shifting the pole. He further contended that only 03 electricity connections are presently fed from the disputed 25 KVA Distribution Transformer, whereas nearby 16 KVA transformer is catering to approximately 22 connections. It was also submitted by the Appellant that the HT cable was removed in the year 2013 due to certain technical issues through the Discom. Concerning the serving of notice dated 24.06.2013 for unauthorized construction and inaction by the Appellant, the Appellant now agreed to remove the encroached construction. In addition, he is not interested in refund of the amount and seeks execution of the pole shifting work.

9. In rebuttal, the officer representing the Respondent reiterated the arguments & objections that were presented in the written submission to this office. In response to a query raised by the Ombudsman as to why the application was neither formally rejected nor the deposited amount of Rs.12,469/- was refunded after the work could not be executed by the Respondent between 2006 and 2024, the Officer present could not submit convincing response. Respondent submitted that the matter was very old; hence, records relating to the matter are not available due to the passage of time.

10. During the hearing, the Advisor (Engineering) emphasized that heavy machinery/cranes required for HT pole installation cannot operate in the restricted space. Pole-mounted substation requires a 6 foot horizontal spread. Even after accounting for demolished extensions, the mandatory 1.2 meters horizontal



clearance from the DT structure to the opposite premises cannot be maintained because the opposite residents have also extended their premises. It was observed that lapses appear on the part of both sides. The Respondent failed to refund the deposited amount despite non-execution of the work, whereas the Appellant did not pursue the matter effectively for a considerable period.

11. During the hearing, the Ombudsman observed that the property appears to have had a first floor construction around the year 2005 and that the locality consists of narrow lanes. Any pole shifting activity in such an environment may present operational challenges and potential safety hazards, including the risk of electrical incidents. In light of the Appellant's request and the feasibility of pole shifting, if viable, under these conditions while adhering to the existing CEA Safety Regulations, the Ombudsman directed that a fresh joint site visit be conducted urgently. In compliance, the Respondent conducted a joint site re-visit with photographs on 04.06.2026 in the presence of the Appellant and submitted the site visit report to this Office. The same was taken on record. However, the Appellant refused to sign on that report. Appellant's submission via e-mail in this regard was also taken on record. Respondent, in its said report, submitted that the matter was re-examined with positive approach to re-assess the feasibility of shifting the pole. Following observations were found.

- (a) The shifting of pole along with the transformer is not feasible as per the approved drawing due to space constraints.
- (b) The width of the street is approximately 9 feet. After maintaining the required safety clearance of 1.2 meters (approximately 4 feet horizontally) from both sides of the adjoining houses, only about 1 foot of space remains available. Therefore, installation of the pole with transformer at the proposed location, as per the drawing, is not feasible.
- (c) As the site safety issue has not been permanently resolved due to encroachment; however, the following corrective actions have been carried out to ensure safety at site at present:
 - (i) Two new earthing connections have been provided on this pole.
 - (ii) The extra cable loop has been removed.
 - (iii) Cable TV and internet wires have been removed from the pole.
 - (iv) At present, the pole is not accessible due to the closed balcony wall. However, a small window exists on the balcony, which is



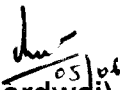
approximately 2 feet 2 inches away from the live part of the transformer.

- (d) Load shifting is not feasible due to nearby DTs (Distribution Transformers) are currently over loaded
12. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:
- (a) Both parties have showed lapses on their part. Between 2006 and 2025, the Respondent did not present any record to the Appellant regarding the cancellation of the shifting order due to the ongoing resistance or the collection of the cheque. Furthermore, there is no documented effort from the Respondent to refund the deposited amount after approximately 20 years, a process that should have been carried out automatically.
 - (b) The expansion of families over time and their need for additional space within the existing plotted colony, where they reside, makes it impossible to rule out encroachment.
 - (c) Several site visits were undertaken and site pictures submitted, clearly shows that shifting of pole is not technically feasible.
 - (d) It is important to highlight that safety concerns are paramount in this matter, which must be addressed in accordance with the current CEA Regulations to prevent any fire incidents.
13. In the light of the above, this court directs:
- (a) To uphold the order dated 24.02.2026 of the CGRF-TPDDL with partial modification as under:
 - (i) Interest @ 6% per annum from the date of deposit i.e. 02.05.2006 to 05.06.2026, which should be credited to the Appellant's CA No.60010229486 within 7 days of this order.
 - (ii) Respondent is directed to ensure safety parameters at site in compliance with prevailing CEA Safety Regulations.
 - (b) For any refund to be processed in 20 years is a long time, Discom is directed to devise a mechanism so that the refund is processed expeditiously.
 - (c) Compliance report be submitted to this office within 15 days.



14. 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 this order 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
05.06.2026