

**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. 39/2024**

(Against the CGRF-TPDDL's Order dated 03.10.2024 in CG No.135/2024)

**IN THE MATTER OF**

**Shri Mohan Lal Sharma**

**Vs.**

**Tata Power Delhi Distribution Limited**

Present:

Appellant: Shri Mohan Lal Sharma, in person.

Respondent: Shri Ajay Joshi, AGM (Legal) and Shri Vedprakash Gupta  
(AGM) on behalf of the TPDDL

Date of Hearing: 29.01.2025

Date of Order: 30.01.2025

**ORDER**

1. Appeal No. 39/2024 dated 06.11.2024 has been filed by Shri Mohan Lal Sharma, R/o House No.E-1/7-A, Budh Vihar, Phase-I, Delhi – 110086, through his advocate, Shri Harsh Vardhan Sharma, against the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Ltd. (CGRF-TPDDL)'s order dated 03.10.2024 passed in CG No.135/2024.

2. The back ground of the case, as per the Appellant, is that a domestic electricity connection CA No.60005216423 (Registered Consumer - Shri Sulekh Chand Jain) exists in the name of husband of the previous owner, Smt. Shakuntla Devi. Due to obstruction in free movement, the Appellant had applied on 20.03.2024 for shifting of existing electric pole from its present position in front



to either side of his premises, vide notification no.2036632979. However, the Respondent turned down his request on 28.05.2024 without any prior information. The Appellant had also requested to re-open the said notification for processing of his request for pole shifting.

3. The Respondent submitted before the CGRF that around 20-25 years ago, distribution network in the said locality was electrified by erstwhile Delhi Vidyut Board on the public land. The electricity pole no.519-70-32/7, in question, was erected in alignment with the other poles on the street. Appellant's electricity connection was energized on 24.06.2005. Since then, the supply is being fed from the said pole. Regulation 24 of DERC Supply Code, 2017 explicitly states that only the owner of land or his successor in interest who has given right of way for the installation of the said pole may apply for shifting of pole network. However, the pole is not on the land of the Complainant, thus, no cause of action exists against the Respondent/TPDDL. The joint site visit report dated 19.09.2024 also concluded that the shifting of pole, in question, was not technically feasible as there was no required clearance from the building due to the narrow street. The Complainant had encroached upon the network of the Respondent. Also, an objection was raised by the neighbour (resident of E-1/7) against proposed shifting of pole.

4. The CGRF-TPDDL, in its order dated 03.10.2024, endorsed the rejection of the request for shifting of electric pole by the Respondent on the ground of safety concerns in the light of Joint site Inspection Report dated 19.09.2024 and Regulation 24 supra. The pole, in question, was in existence on the public land and not on the land of the Complainant, aligned with other poles, before construction of the subject premises. Moreover, encroachment made around LT pole by extending Chajja/Balcony had resulted in non-availability of stipulated minimum safe distance of 1.2 meters from the Balcony. Thus, shifting of pole was neither technically feasible being narrow road nor financially viable since the same was supplying electricity to multiple connections.

5. Aggrieved by the CGRF's order, the Appellant has preferred this appeal wherein he has reiterated his stand as before the CGRF. Moreover, he has stated that he is ready to bear the entire cost of pole shifting to the adequate proposed space.

The Appellant has prayed, (i) to stay the operation of impugned order dated 03.10.2024 of CGRF-TPDDL, ii) to set-aside the CGRF-TPDDL order dated 03.10.2024; (iii) to direct the Respondent to shift the electric pole from centre to either corner; (iv) to pass any other/relief/direction in his favour.



6. The Discom, in its response dated 27.11.2024, has reiterated its stand as before the CGRF and relied upon Regulation 24 (4) & (5) of DERC Supply Code, 2017.

7. The appeal was admitted and fixed for hearing on 29.01.2025. During the hearing, the Appellant was present, in person and the Respondent was represented by its authorized representatives. An opportunity was given to both the parties to plead their case at length. Relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

8. During the course of hearing, the Appellant submitted that he had made an application for shifting of pole from in front of his house to either side.

9. However, Representative for the Respondent submitted that the shifting of pole was not technical feasible and also involved safety violation. He invited attention to the extended portion of the balcony/Chajja which resulted in violation of 1.2 meters safety distance parameters from the balcony. Zonal Manager present stated that the distribution box was required to be shifted from above the roof since the pole was touching the balcony. However, since the road has a width of 20 ft., hence, any shifting of the pole may result in the pole being on the middle of the road and the shifting also required an additional pole. Attention was also invited to a notice served to the Appellant in respect of the encroachment of Balcony in the year 2005. Action in the matter was, however, still pending before the court of the Sub Divisional Magistrate. As regards technical feasibility, the Appellant indicated his willingness to remove the extension/encroachment so that the pole can be inside and in alignment with other poles. Alternation or removal of balcony, as per minimum requirement, meeting of the additional pole & cable and other expenses by the Appellant and permission for MCD road cutting were agreed to as a plausible solution to the problem. The Appellant agreed to bear the expenses on the basis of the budget estimate to be worked out by the Respondent.

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

- (i) The property, in question, was purchased through notarized General Power of Attorney (GPA) on 17.09.2014 for a consideration of Rs.5.0 lakhs from Smt. Shakuntala Jain, W/o Late Shri Sulekh Chand Jain. CA No.60005216423, was energized at the premises E1/7A, Budh Vihar, on 24.06.2005, but the connection has not been transferred in the name of the Appellant.



- (ii) While considering applicability of Regulation 24 of DERC Supply Code, 2017, the Discom has asserted that only the owner of land or successor in interest who has given Right of Way for installation of poles, may apply to the licensee for shifting. The regulation permits shifting of pole, if the owner allows alternate right of way and takes permission for road cutting or right of way from the MCD.
- (iii) During joint inspection on 19.09.2024, encroachment was found. Shifting of pole was not technically feasible for two reasons i.e. a) the width of road being less the pole would cause hindrance to the movement and b) increase in span length. Moreover, due to extension of Chajja / Balcony, the safety distance of 1.2 meters stands violated. There is also an objection by neighbour, Shri Deepanshu Rathore.
- (iv) The CGRF has, in the background of the site inspection, rejected the Complaint.

11. During further detailed discussion (the Appellant and the Respondent) with the Advisors/Ombudsman, it was concluded that the shifting of pole was technically feasible provided, a) The Appellant carries out demolition on the balcony after the joint inspection. The demolition should be such that the alignment of the pole (new) is not disturbed and the distance specified by Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, is maintained, b) The Appellant gets the permission for road cutting etc. from land owning agency, c) The Appellant pays for the shifting of pole on the basis of estimate provided by the Respondent and d) The Appellant also applies for change of name in his favour.


12. In view of the above, this Court directs as under:

- (i) The order of CGRF dated 03.10.2024 is set aside.
- (ii) Discom would shift the pole in case the above conditions, (a) to (d) (in Para 11), are fulfilled by the Appellant. The time frame and the sequence of the above may also be decided mutually during the joint inspection.
- (iii) The action taken report may also be shared with the Office of Ombudsman on regular intervals till the final outcome i.e. shifting of pole.



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  
30.01.2025