

Office of the Electricity Ombudsman

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057

(Phone No.: 32506011, Fax No.26141205)

Appeal No.688/2015

IN THE MATTER OF:

Smt. Poonam Singh - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

(Appeal against Order dated 12.02.2015 passed by CGRF–BRPL in CG.No.686/2014)

Present:-

Appellant: Shri Ranjay Singh, husband of the appellant, attended on her behalf.

Respondent: Shri Nand Lal Sachdeva, DGM (O & M) attended on behalf of the BRPL.

Date of Hearing : 23.06.2015 and 07.07.2015

Date of Order : 21.07.2015

ORDER

This appeal has been filed by Smt. Poonam Singh, W/o Shri Ranjay Singh, House No.9, K-1 Extension, RWA Zaildar Enclave, Mohan Garden, Matiyala Grid, Uttam Nagar, New Delhi - 110059, against the order of Consumer Grievance Redressal Forum – BSES Rajdhani Power Ltd. (CGRF-BRPL) dated 12.02.2015 in which her request for shifting of electricity pole near her gate has been declined.



The CGRF turned down the request of the complainant to order the DISCOM to shift the pole at her cost by noting that no objection had been made to the location of the pole since 2007 till date and later on, it appears, this was done only due to some unauthorized construction which may have been made and, hence, the consumer will have to pay for shifting of the pole.

The consumer filed a petition in this office that being a very poor lady she is not in a position to pay the cost and requested that the order of the CGRF may be set-aside and the DISCOM asked to shift the pole at their own expense.

In the reply filed by the DISCOM, it was mentioned that this an unauthorized colony. They, further, stated that the Regulations of the Central Electricity Authority, 2010, require the complainant to pay the charges. Further, there are judgements of the High Court requiring the municipal body to pay the charges of such shifting and not the DISCOM.

A hearing was held on 07.07.2015 where the issue of the policy adopted for installation of poles were sought from the DISCOM. The DISCOM informed that poles are placed at a distance of 30 meters in each interval and in a straight line. Apart from this there is no other rationale for fixing poles.


It appears that in this present case, the policy of putting poles at a distance of 30 meters leads to the poles sometimes coming in the middle of one plot or the other, as is shown in the site diagram submitted in the

reply filed on 13.07.2015. The DISCOM was asked why it would not be possible to install the poles at the boundary between two plots and not place the poles only at fixed intervals of 30 meters as this can lead to the kind of situation described above. However, in their reply of 13.07.2015, this point has not been discussed or answered, except to state that the transformers were installed in the year 2004-05 and the consumer had not filed any complaint till now. The DISCOM has informed that the shifting can be accomplished now if an NOC from the adjacent premises owner, as well as from the road owning agency, is produced and the approval of competent authority is given.

Given the nature of urban construction and living conditions where space is at a premium and access to houses for parking and entry/exit can occasionally be problematic, specially in unauthorized colonies, where plots are small, it appears that merely following a policy of maintaining a fixed distance of 30 meters would be problematic. Efforts should be made to provide easy access to plots by locating poles at the meeting point of two properties so that the day-to-day entry and exit are not affected which is clearly the case here. A policy wherein only the convenience of the DISCOM is seen and not the convenience of the residents of the area seems to be a deficient policy. Recognising this inadequacy the DISCOM should, suo moto, have agreed to carry out the shifting. Instead reliance is being placed on Regulations which do not prohibit shifting of poles as the clearances required would remain the same even after shifting. Further, reliance is being placed on High Court judgements which do not apply in such cases as the movement of poles by a few feet on either side do not involve road permissions etc. of the municipal authorities.



The appeal is, therefore, accepted and the DISCOM should shift the pole to a location in between the two plots. No NOC will be required from anyone as this is a neutral location and any clearance from any municipal authority, if at all required, will be obtained only as a matter of record and the job carried out within 3 months. Intimation to municipal authorities should normally suffice. A report should be submitted immediately thereafter.



(PRADEEP SINGH)
Ombudsman

21st July, 2015