

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. 695/2015

IN THE MATTER OF:

Shri Patram Sharma - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

(Appeal against Order dated 11.05.2015 passed by CGRF-TPDDL in CG.No.6500/03/15/MGP)

Present:-

Appellant: Shri Patram Sharma was present in person alongwith his son Shri Dinesh Sharma.

Respondent: Shri Manish Kumar, Manager (Legal), attended on behalf of the TPDDL.

Date of Hearing : 15.07.2015

Date of Order : 07.08.2015

ORDER

This is an appeal filed by Shri Patram Sharma, R/o I-56/A, Krishan Vihar, Delhi - 110086, against the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited (CGRF – TPDDL) order dated 11.05.2015, requesting for shifting of pole on the basis that there is not an adequate distance from the pole to the boundary wall of the house. This plea was rejected by the CGRF on the ground that the extended balcony was constructed later and the pole was in its existing position for the last few years and, hence, the distance between the balcony and the pole was reduced.



The complainant filed the appeal stating that the Low Tension (LT) pole is located in the centre of the plot and may be shifted to the east side to facilitate opening of entry/exit gate of the property for which he is ready to pay the charges.

The DISCOM, of course, opposed this plea and cited numerous clauses of the Central Electricity Authority Regulations, 2010 on distance to be maintained, as well as on other related issues, but could not place before us any complaint on the unauthorized construction made to the Municipal Corporation of Delhi (MCD) or to the police or any proof of any notices issued for violation of the CEA Regulations. The DISCOM was, therefore, asked why they were not shifting the pole and whether they have any policy in this regard. A specific response on the policy of the DISCOM on this kind of issue was required by 22.07.2015. This was, however, not given but some additional submissions on the above lines were given. It was only later, on 31.07.2015, that the DISCOM informed us of a complaint having been filed before the Sub Divisional Magistrate (SDM), Rohini, under Section 68 (5) of the Electricity Act, 2003, read with Section 133 of Criminal Procedure Code to remove the unauthorized construction. This is obviously a belated response to many years of inaction while the alleged unauthorized construction was going on and the distance between the pole/wires and the boundary of the house was being reduced.

The point that has not been noticed by the DISCOM is that the complainant has asked for the shifting of the pole by a few feet to allow better entry and exit to his property. The photographs filed by him show that the pole comes in the way. The new place suggested by the complainant for shifting of the pole will continue to maintain the same distance from the property as exists today. This will not compromise any case that the DISCOM wishes to pursue with the SDM or the MCD for demolition of any unauthorized construction. The

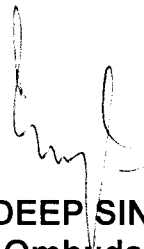


present issue is one of proper entry and exit and shifting of the pole by a few feet to allow the same.

I seen no reason why this should not be allowed and, hence, the **order of the CGRF is set aside and the DISCOM is directed to do the needful within one month at the cost of the appellant.** It may be noted that the cost to be incurred should be in line with the normal costs of such shifting and no exorbitant estimate should be given to the complainant as has happened in one or two cases recently.

In a similar case of **Smt. Poonam Singh vs. BSES Rajdhani Power Ltd.** (BRPL) where a similar issue of entry/exit was involved, the DISCOM (BRPL) had been advised to have a policy which does not blindly follow a fixed distance between poles that also takes into account the entry/exit problems of houses located in such colony. They had been asked to shift the pole to an appropriate location without being in the middle of any particular plot/house. The same principle is reiterated here and the appeal is accepted.

The DISCOM should report completion of action within one month as specified above.


(PRADEEP SINGH)
Ombudsman



August, 2015

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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 complaint 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