

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.697/2015

IN THE MATTER OF:

Shri Radha Krishan - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

(Appeal against Order dated 19.05.2015 passed by CGRF-BRPL in CG-890/2013)

Appearances:

Appellant: Shri Radha Krishan

Respondent: Shri Prashant Saxena (Manger), Shri Chob Singh (DGM) & Shri
Udham Singh (Sr. Manager), Authorised Representatives

Date of Hearing : 09.11.2015, 14.12.2015, 23.12.2015, 30.12.2015

Date of Order : 30.12.2015

FINAL ORDER

The instant appeal has been filed by Shri Radha Krishan, Appellant, against order of the CGRF No.890/2013 dated 19.05.2015. The Appellant has raised the following issues in support of his contentions:

- a. His house was built in 1978 and despite his resistance, a pole was fixed next to his house which could have been fixed elsewhere. There was already one pole existing by which the electricity was being distributed but, despite the same another pole was fixed which is causing problem to him. He is being told that there is no

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feasibility for shifting the pole however the said contention of the Respondents are not correct since there is a provision for underline cable and the electricity could be distributed in the same manner as was being done since 1982-1983.

- b. Despite his repeated reminders to the concerned officials of BRPL, the pole has not been shifted till to-date and the CGRF has erred in appreciating the same.

In view of the foregoing grounds, the Appellant has urged that a direction may be issued for removal of pole from the existing site.

The Appellant had argued the matter himself and during the hearing he made an endeavour to establish through a CD that the pole existing next to his house is a fire hazard and he apprehends danger to men and material.

He asserted that due to the existing pole he cannot carry out any further construction to his house and the pole is not only a hindrance but also a fire hazard.

The Authorized Representative (AR) appearing on behalf of the Respondent, in response submitted that shifting of pole is not technical feasible and otherwise also due precautions have been taken by insulating the wires that there is no fire hazard. Further, they assured that actions are in hand to cover the joints/loose wires so that the apprehensions of the Appellant are removed.

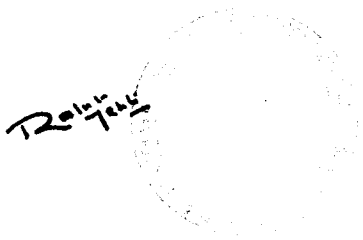
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Apart from the same, the AR of the Respondent intimated that the pole is at a distance of 3 ft from the boundary wall of the Appellant, hence, it should not cause any concerns to him particularly when the existing pole is not on his land. Otherwise also the Appellant has no legal rights to seek removal of the existing pole from the site where it is existing.

The Appellant being aggrieved by the action of the Respondent in not removing the pole from the existing site as desired by him, he had filed a complaint before the CGRF.

On perusal of the records available, reveals that the CGRF while hearing the complaint made an effort to explore the possibility of shifting the pole and in this regard a specific reply was sought from the Respondent. The Respondents had replied that the electricity pole has been installed as per electricity rules and is not hazardous and all the safety measures have been taken care of. The Senior Manager (O & M) had also furnished a certificate stating that the present lay-out of the pole is in conformity with the Safety Regulations as notified by Central Electricity Authority (CEA) and there is no danger to the existing consumer.

Perusal of the photographs submitted by the Complainant indicates that an electric pole is existing next to the premises of the Complainant and it was considered opinion of the CGRF Forum that the said pole was at the safe distance from the structure and as such does not appear to be causing any danger to the public. Accordingly, the request of the Complainant for shifting of pole as he wanted to build his house was rejected keeping in view the facts of the case as produced before the CGRF.



On perusal of the records available and considering the arguments advanced by both the parties, it is evident that there exists a pole next to the premises of the Appellant and it is existing in a close proximity of the Appellant's premises. The contention of the Respondent to the effect that it is technically not feasible to shift the pole and the same has been fixed in accordance with the extant Regulations on the subject has some merit particularly when they have assured that due precautions would be taken care in obviating fire or any danger to men and material in or around the premises. They have also assured that the wires shall be insulated and the joints would be properly taped.

Considering the case in its entirety, it may not be justified in issuing direction to the Respondent to shift the pole from the existing site as it is not interfering or jeopardizing the legal rights of any one particular individual or the public at large.

In view thereof, no relief is being provided to the Appellant. The appeal is dismissed.

Rakesh Mehta

**(RAKESH KUMAR MEHTA)
OMBUDSMAN**

30 December, 2015