

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-cum-Fax No.: 011-26141205)

Appeal No. 784/2017

IN THE MATTER OF:

Shri Deepak Kumar - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 21.03.2017 passed by CGRF-TPDDL in CG No.

7557/01/17/NRL)

Present:

Appellant: Shri Deepak Kumar , Appellant and Shri Abhishek Bansal & Shri Nipun Anand, Advocates

Respondent: Shri Harshendu Kumar, Sr. Manager (Legal) and Shri Anirudh Sinha, Asstt Manager, on behalf of TPDDL

Date of Hearing: 07.07.2017

Date of Order: 11.07.2017

ORDER

1. Appeal No. 784/2017 has been filed by Shri Deepak Kumar, resident of 367/1 (GF), Village Bakoli, G.T.Road, Delhi-110036 against CGRF-TPDDL's order in CG No. 7557/01/17/NRL dated 21.03.2017.

2. The background of this appeal derives from the denial by the Discom (Respondent) of a new electricity connection applied for by the Appellant on the ground that two high voltage lines lie in close proximity of the premises with the separation distances not in conformity with the minimum safety specifications provided for under law. The CGRF did not admit his appeal, hence, the present plaint.

3. The Discom, whose comments were called for, has submitted that two high voltage lines, one of 11 KV and the other 33 KV, a passing above and adjacent to the premises the Appellant has constructed and for which he has sought a non-domestic connection. The CGRF had ordered a joint site inspection in the presence of the Appellant which was conducted on 14.07.2016 and which clearly showed the vertical separation distance of the 11 KV line above the premises as three meters and the horizontal and vertical separation distances of the 33 KV line as about one meter. The denial by the Discom of the connection requested for was upheld by the CGRF

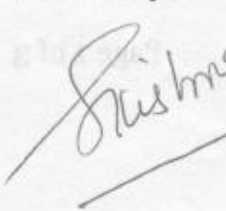

on the ground that the minimum safety separation distances as prescribed under Rule 80 of the Electricity Rules, 1956 and Clause 61 (1) of the Central Electricity Authority Regulations, 2010 were not being satisfied in this case.

4. Both the parties have been heard and the material on record taken into consideration. The history of the case reveals that the Appellant had approached the Discom for a new connection on three separate occasions, i.e. 22.07.2015, 15.10.2015 & again on 17.02.2016, meeting with a refusal from the Discom each time. He had then approached the CGRF on 13.05.2016 with the Forum dismissing his appeal on 15.07.2016 after satisfying itself that the connection being sought was in violation of minimum safety parameters. Following the rejection of his latest application, he again approached the CGRF with the Forum once again declining his appeal on 21.03.2017 while observing that the matter had already been adjudicated upon earlier and cannot be reviewed.

5. The Appellant has now come up in appeal again, arguing, as he did before the CGRF, that the horizontal separation distances between the point/location of the meter installation and the 11 KV and 33 KV lines are 4.5 meters and 6.5 meters respectively which is more than the prescribed minimum safety requirements. He has further argued that other premises near his own have been granted connections by the Discom and that he is ready to bear 50% of the cost of system augmentation if required. He has also alleged that the Discom's officials had obtained his signature on the site inspection report of 15.07.2016 without explaining its contents to him and later manipulated the report before the CGRF.

6. As a matter of abundant precaution and to ensure that no miscarriage of justice takes place even inadvertently, the Discom was directed to carry out a fresh site inspection in the presence of the Appellant with all parameters being measured and clearly explained to him. The report dated 15.06.2017, supported by photographs of the site and which the Appellant refused to countersign, states in clear, unequivocal terms that minimum safety distances, as prescribed under Clause 61(1) of the Central Electricity Authority (Measures Relating to Safety and Electric Supply), Regulations, 2010 as also Rule 82 of the Electricity Rules, 1956, are not being met in the present case.


7. Against the background of this unambiguous technical opinion tendered by qualified professionals, there is absolutely no way in which the demand of the Appellant for a connection can be accommodated and his argument that no safety parameter violations are involved cannot be sustained. It would be foolhardy to overrule this professional finding, to say the least, given the serious public safety implications which any such ruling would have. The Appellant's willingness or otherwise to bear part of system augmentation cost is, therefore, immaterial. His argument during the hearing that he is not literate enough to understand what the Discom was doing during the site inspection and the allegation that the earlier report had been manipulated by them is frivolous at best and worthy of dismissal. The other argument advanced by his Counsel that the plots in the Appellant's locality, including his, have been allotted by Government and are therefore entitled to electricity connections as a basic necessity of life, is also irrelevant as the grant of connections is not a subject within the remit of the Ombudsman. Besides, laws legislated in the

interests of public safety cannot be violated or subordinated to any other requirement.

8. Regarding the Appellant's argument as to how he could be denied a connection when other premises in his locality in a similar situation were granted connections, the Discom has admitted that there are other violators but that they had been given connections between the years 2005 and 2013 with only one being granted after 2013. When queried as to what was being done about these premises, the Discom indicated that safety violation notices had been issued in August, 2016 and June, 2017 to as many as six other defaulters. While accepting this action on the part of the Discom, the question which begs an answer is why this action could not have been taken at the outset itself when the violations first came to notice. Had due diligence been observed at the outset, the problem of violations could have been addressed at the incipient stage itself instead of attempting corrective actions at a later stage. The Discom would be advised to keep these observations in mind when dealing with similar cases in future.

Given the above exposition, no interference with the verdict of the CGRF is called for and the appeal is hereby dismissed as being without merit.


(Sundaram Krishna)
Ombudsman
11.07.2017

