

## **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. 788/2017**

#### **IN THE MATTER OF:**

**Shri Rajesh Kumar Tiwari - Appellant**

**Vs.**

**M/s Tata Power Delhi Distribution Ltd. – Respondent**

(Appeal against order dated 02.05.2017 passed by CGRF-TPDDL in CG No. 7578/02/17/SMB)

#### **Present:**

**Appellant:** Shri Rajesh Kumar Tiwari

**Respondent:** Shri Harshendu Kumar, Sr. Manager (Legal) and Shri Vedprakash Gupta, Manager, on behalf of TPDDL

**Date of Hearing:** 14.07.2017

**Date of Order:** 17.07.2017

### **ORDER**

1. Appeal No. 788/2017 has been filed by Shri Rajesh Kumar Tiwari, resident of Khasra No. 140/12/2, Block A-1, Street No. 27, Sant Nagar, Burari, Delhi-110084 against CGRF-TPDDL's order in CG No. 7578/02/17/SMB dated 02.05.2017.
2. The background of this appeal originates from a refusal by the Discom (Respondent) to grant a new electricity connection applied for by the Appellant on the ground that his premises are located in close proximity to a 220 KV Extra High Voltage (EHV) line which passes overhead 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. In its response, the Discom has stated that the Appellant's premises lie in very close proximity to a 220 KV EHT line (belonging to Transco) with the horizontal clearance being practically zero and a vertical clearance of about 4.5 meters. These clearances are not in conformity with Rule 80 of the Electricity Rules, 1956 read with Clause 61 (1) of the Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010. Since minimum safety parameters are not met, the connection sought for cannot be granted.



4. Both the parties have been heard and the material on record taken into consideration. It is a matter of record that the Appellant had applied for a domestic connection on 28.03.2016 which was not acceded to by the Discom quoting safety requirements. He then filed an appeal before the CGRF arguing that an electricity connection was a basic necessity of life and that the actual distance of his premises from the 220 KV line was more than the required 4.5 meters. On the directions of the CGRF, the Discom carried out a joint inspection on 08.04.2017 with the report (signed by both parties), finding that prescribed safety parameters were not being met and that it was not technically feasible to grant the connection. The CGRF agreed with this report and dismissed the Appellant's plaint.

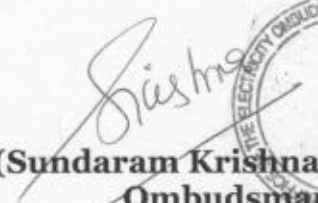
5. The Appellant's present appeal before the Ombudsman reiterates his argument before the CGRF that he requires an electricity connection as a basic necessity of life and that other premises near his own have been granted connections by the Discom. As a matter of abundant precaution, the Discom was directed to carry out a fresh site inspection. The report, dated 05.07.2017, supported by photographs of the Appellant's premises, states again in clear terms that the 220 KV EHV line passing over the premises has a vertical clearance of only about 4.5 meters with horizontal clearance of practically zero, as a result of which a connection cannot be granted on safety considerations as the provisions of the regulations cited in paragraph 3 supra would be violated. The Discom has also drawn attention to a public notice issued on 15.05.2016 in the interests of public safety by the Department of Power, Govt. of NCT Delhi in which minimum distance requirements from high voltage lines have been reiterated along with a warning that unauthorised constructions in the vicinity of such lines are illegal and could attract action.

6. Against the background of this unambiguous technical opinion tendered by qualified professionals, there is no way in which the request of the Appellant for a connection can be accommodated. It would be foolhardy to overrule this professional finding and grant a connection given the serious public safety implications which any such ruling would have. The plight the Appellant is in with no electricity is understandable but unfortunately no relief can be afforded by the Ombudsman. Laws legislated in the interests of public safety cannot be violated or subordinated to any other requirement, no matter how deserving the case may be.

7. 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 no new connections had been granted in the recent past and safety parameters were being enforced while granting new connections. When queried as to what was being done about premises which were in violation, the Discom submitted copies of notices it has issued in July, 2017 to several defaulters including the Appellant. While this action on the part of the Discom is acceptable, it has to be pointed out that this action should ideally have been taken at the outset itself when violations first came to notice rather than attempting corrective actions at a belated stage which looks more like an afterthought. The Discom is advised to keep these observations in mind when dealing with similar cases in future.



Given the above exposition, no intervention with the verdict of the CGRF is possible and the appeal is hereby disallowed purely on the grounds of safety considerations.

  
(Sundaram Krishna)  
Ombudsman

17.07.2017