

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. 10/2018

IN THE MATTER OF:

Shri Satyender Kumar Maurya - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 15.02.2018 passed by CGRF- BRPL in CG No.135/2017)

Present:

Appellant: Shri Satyender Kumar Maurya

Respondent: Shri Deepak Pathak, Advocate, Shri Dharmendra Kumar, A.M. (O),
Shri Narendra Kumar, Engineer and Shri Prashant K. Saxena,
Nodal Officer, on behalf of BRPL

Dates of Hearing: 26.04.2018

Date of Order: 02.05.2018

ORDER

1. Appeal No. 10/2018 has been filed by Shri Satyender Kumar Maurya, C-39, Kusum Pur Pahari, Vasant Kunj, New Delhi-110070 against the verdict of CGRF-BRPL cited above.

2. The background to this appeal arises from the Appellant's initial representation before the CGRF seeking the re-routing of electrical wires which he claimed were in very close proximity to his house which was not admitted by the Forum on grounds of feasibility. In this appeal, the Appellant has argued that his jhuggi house, which was originally a "kutcha" construction, has now been reconstructed with bricks, increasing its height and bringing it in close proximity to the Discom's service cables which has resulted in safety issues for both the building as well as the residents. He has further claimed that there are numerous wires hanging on the pole in front of his house and that his complaints to the Discom for shifting them have borne no results, resulting in considerable harassment to him and his family.

3. In its response, the Discom has pointed out that the Appellant's property is an illegal jhuggi located in an unauthorized colony and that the pole to which the service cables are attached was already in position for more than two decades and that illegal structures and encroachments have come up around it subsequently. They have argued against the admittance of the appeal on the ground that the existence of a large number of unauthorized constructions, which have come up in violation of law in the first place, make it technically difficult to even find an alternative location for the pole. The sum of their arguments is that a person who is already in violation of law through an illegal, unauthorized construction cannot take recourse to legal provisions like the Electricity Act to demand remedies to which they are not entitled.



4. I have heard both the parties and considered the material on record. What is abundantly clear is that the Appellant's property is an unauthorized construction in an unauthorized colony and which antedates the existence of the pole in question. It is the Appellant's subsequent additions to his construction which has brought his structure in close proximity to pre-existing cables, thereby triggering safety issues. I am in full agreement with the Discom that, having been in violation of law in the first place, the Appellant cannot shelter behind it when it suits his purpose. It is an established fact that encroachers often set up structures without any permission from the appropriate authorities and then raised demands when they want to advance some individual interest. The recent observations of the Hon'ble High and Supreme Courts on the havoc which has been visited on the city by such unauthorized constructions and encroachments are extremely pertinent in this context.

5. Having made these observations for the record, the issue of safety cannot, nevertheless, be ignored despite the presence of constraints. The Discom was specifically asked during the hearing as to how this issue could be addressed. The main complaint of the Appellant during the hearing related to his claim that numerous wires were originating from the pole in question and passing in very close proximity to his structure and sought a solution to it without stressing on demand for the physical shifting of the pole itself. The Discom's technical representative then suggested a solution involving the bunching together of cables so that they did not hang loosely and clamping them to the wall and consideration of the possibility of a reduction in a number of cables connected to the junction box of the pole. The technical issues were explained by him to the Advisor (Engineering) in the Ombudsman's office and found acceptable.

6. Accordingly, the Discom is directed to explore and implement the suggestions they made during the hearing so that issues relating to safety are addressed adequately. The outcome of this exercise should be communicated to the Ombudsman within a period of 30 days from the date of issue of this order. The Appellant, for his part, will keep in mind the observations made in paragraph 4 supra and will cooperate fully with the Discom towards this objective without raising unnecessary objections or put impediments in the path of a search for a solution.

7. Incidentally, it would not be out of place to note here that the proposed solution of clamping of cables etc is something which did not really require the intervention of the Ombudsman. The Discom could have just as well addressed the issue at the time when it came up before the CGRF instead of allowing it to come up to the Appellate stage and thereby resulting in a waste of judicial time. The introduction of a proactive mechanism on the part of the Discom to avoid the unnecessary escalation of what may be fairly trivial issues to the Ombudsman's level would be advisable.

The appeal is disposed off accordingly.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
02.05.2018