

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

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Appeal No:01/2025

(Against the CGRF-TPDDL's order dated 06.11.2024 in CG No.144/2024)

IN THE MATTER OF

Shri Ashok Kumar

Vs.

Tata Power Delhi Distribution Limited (TPDDL)

Present:

Appellant: Shri Ashok Kumar, in person along with Shri Sahil Dahiya.

Respondent: Shri Ajay Joshi, AGM (Legal), Shri S. S. Meena, AGM, Shri Ashish, Manager and Shri Ayush Jha, Senior Execitove, on behalf of the TPDDL

Date of Hearing: 25.04.2025

Date of Order: 28.04.2025

ORDER

1. Appeal No. 01/2025 has been filed by Shri Ashok Kumar, S/o Shri Balbir Singh, R/o 671, Village Ladpur, Delhi 110081, challenging the CGRF-TPDDL's order dated 06.11.2024 passed in CG No. 144/2024 in the matter of shifting of pole.

2. The background of the case is that the Appellant sent a written complaint dated 02.01.2024 and subsequently several letters to the Discom regarding pole 533/36-28/9, which is installed in front of his house. In the complaint/letters he has mentioned that the said pole has tilted towards the iron grill of the balcony, due to increased cable load over a period of time, and there is also danger of leakage etc. When no action was taken by the Discom, the Appellant filed a complaint before the Forum, requesting to direct the Discom to correct the pole's position and T-point angle. The Appellant also informed that in 2009-2010, when he constructed his house, the Discom had shifted the same pole on his request after depositing Rs. 3,250/-. Initially, there were no problems while single cables were placed, but from 2022 the Discom began installing double cables on the south side of the pole, resulting in tilting of the pole towards the balcony of his premises. Although, the



Discom replaced the old cables with new ones, the old cables were not removed from the pole. To substantiate his claims, the Appellant provided copies of his correspondence along with photographs of the building, in question.

3. The Discom, however, denied that due to cables weight, the electricity pole has tilted towards the Appellant's premises. On the contrary, the Appellant has encroached upon the pole by extending balcony, and provided relevant photographs of the site in its support. The Discom also admitted that earlier they had shifted the pole but the Appellant has constructed the premises in such a manner that encroaches upon the pole. As a result, this has created an unsafe situation and obstructed the path of network. In this regard, the Discom referred the order passed on 22.06.2018, by the then Electricity Ombudsman in the matter of Smt. Soni Devi vs. Tata Power Delhi Distribution Ltd. Moreover, the Discom relied upon Clause 11(2) (IV) of DERC's Supply Code, 2017, along with Clause 62 & 63 in respect of "Clearance from Buildings of lines of voltage and service lines not exceeding 650 Volts" and "Erection or alternation of building, structures, flood banks and elevation of roads", respectively, of Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023.

4. The Forum directed the Discom to conduct a joint inspection on two separate occasions. Subsequently, the Discom submitted reports and photographs to the Forum, which were taken on records. The Discom asserted that Appellant is attempting to get the pole shifted.

5. The CGRF-TPDDL, in its order dated 06.11.2024, considered reports and found that there was no evidence of pole titling towards the premises of the complainant due to the addition/putting of more cables on the pole, which was found to be in alignment with other poles of the network. Moreover, it was found that the minimum safety clearance had been breached due to extended portion of the balcony. The horizontal clearance from pole to the applied premises has been found about 1.3 ft., which is less than the required safety clearance of 1.2 meters (4 ft.), as stipulated in the DERC's Regulations, 2017. The Forum also relied upon a judgement passed by the then Ombudsman in the matter of Smt. Soni Devi Vs. TPDDL.'

6. The Forum concluded that no relief can be given to the complainant and directed the Discom to ensure that there is no violation of safety norms at the site. Further, the Appellant was directed to remove the extended portion of balcony/chajja, which is creating a safety violation and dismissed his complaint.

7. The Appellant, not satisfied by the order dated 06.11.2024, passed by the CGRF-TPDDL, has filed this appeal. He contended that (i) he has no intention to shift the pole, and (ii) there is requirement of one additional pole in the line, which is passing from South-North, to keep this line straight, as in East-West line. The Appellant has requested either



to shift the existing pole towards north corner of his house or to install an additional pole at the East-West location on his street to divide the heavy loads of the cables.

8. The Discom vide its response dated 24.01.2025 reiterating the submissions as before the CGRF-TPDDL. In addition the Discom contended that they have already rejected the proposal of shifting of the pole in view of the existing unsafe situation at the site, which was caused due to extension of the chajja/balcony by the Appellant. Moreover, the Discom conducted two site inspections on the direction of the Forum, but the Appellant did not make any request for the installation of another pole, as his sole intention was to get the pole shifted to some other place.

9. The appeal was admitted and fixed for hearing on 25.04.2025. During the hearing, Appellant was present, in person, and Respondent was present through its representatives. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

10. During the course of hearing, the Appellant reiterated his contentions and prayer in the appeal. Appellant asserted that the pole should be shifted as it is tilting towards his premises since 2022, due to additional heavy network of cables including redundant wires on it. This causes cracks in the house and hazardous to his family members. Even, the redundant wires are also hanging on the angle. Appellant could not present convincing response in response to a specific query whether the premises was constructed before shifting of pole or after it in 2010 viz-a-viz installation of angle for supporting hanging wires. Admittedly, the Chajja was not constructed with the prescribed minimum safety horizontal distance i.e. 1.2 meters rather it was constructed at a distance of mere 1.3 feet between the pole and the premises. However, the Appellant drew a rough site sketch to illustrate the existence of pole, in question. In response to a query by the Advisor (Engineering) whether there are any picture / documents, showing constructed house at the time of shifting of pole and providing bracket/angle on it in the year 2010-2012, Appellant failed to submit any proof/evidence which could support the contention that the desired safe distance was maintained. It was observed that the desired distance was not maintained at the initial stage of reconstruction of house after pole shifting.

11. In rebuttal, the Respondent reiterated its written submission. The Respondent refuted the Appellant's claim that efforts being made since 2022 for shifting of tilted pole as no records were available in this regard. The issue has been pursued in 2024 only. As far as for unauthorized extension in the shape of Chajja, encroaching the pole, is concerned, the Officer present submitted that a notice dated 26.09.2024 was served to the Appellant. In response to a query raised by the Advisor (Engineering) on this issue of redundant wires, he replied that no cable is redundant, but to meet any crisis, standby cable is laid. It was explained by the Advisor (Engineering) that generally



request for shifting of pole/providing bracket/angle are received under three conditions, i) For construction of new building, ii) Reconstruction of building after demolition of old structure, iii) Construction of additional floor on existing building. In this case also pole shifting was carried out in accordance with safety parameters, but subsequently Appellant extended balcony and hence the prevailing situation. The Respondent further emphasized that they have not received any payment of Rs.3,250/-, as claimed, for shifting of pole in 2010. Whereas, a payment of Rs.5000/- approx. has been received in 2011 for shifting of pole. The pole shifting with installation of angle for hanging cables was carried out in accordance with safety parameters. The encroachment took place after the pole shifting. At this stage to Respondent also shared a communication sent to SDM's office for taking necessary action against appellant for encroachment. After a detailed discussion held with the officers present to maintain the safety norms at site, Advisor (Engineering) elaborated technical solution for carrying out safety of network/pole with support of the Appellant, the Respondent agreed and the Appellant also agreed to provide necessary support in this regard.

12. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- (i) Extension of balcony is apparent from the photographs. Connection is in existence vide CA No. 60002199606 since 04.08.1980.
- (ii) After shifting of pole on 02.02.2011, on the basis of request application dated 22.12.2010, extension of chajja (balcony) was carried out in a manner that safety norms of 1.2 meters horizontal distance stands violated.
- (iii) Joint Inspection on the direction of the CGRF-TPDDL, found pole in symmetry with next pole and pole was not found tilted towards premises. Notice for the unauthorized construction issued. Five set of cables on pole is not causing any tilt/leaning as claimed by Appellant.
- (iv) In appeal, the Appellant's grievance is totally changed than in CGRF. In CGRF, he mentioned that tilted pole's iron angle is leaning on the grill of his house, thus, there is danger to his family, but in the appeal, he has requested for shifting of pole.
- (v) It was observed that at the time of reconstruction of the building, after pole shifting, the Appellant did not kept safe distance between pole/bracket and building. Whereas, the Respondent failed to keep any check / surveillance on its network for accessibility.
- (vi) It is clear that under the guise of safety, his main intent is to get the pole shifted, Respondent has not mentioned any viability/solution rather emphasized on action under Regulation 65 of Central Electricity Act, 2003.




13. In the light of the above, this court directs as under:

- (i) The order of CGRF-TPDDL is up-held as the appeal is devoid of any merit.
- (ii) Discom is required to visit the site again to ensure that the safety of the installation is not compromised and take necessary corrective action, as directed. Discom may also do vigorous follow up with SDM's office for getting the desired decision from SDM.
- (iii) Appellant is also directed to provide necessary support. The process be completed in three weeks time and action taken report be shared with this office.

14. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
28.04.2025