

OFFICE OF ELECTRICITY OMBUDSMAN

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

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

(Phone-cum-Fax No.: 011-41009285)

Appeal No. 02/2023

(Against the CGRF-BYPL's order dated 26.12.2022 in Complaint No. 202/2022)

IN THE MATTER OF

Shri Lokesh Kumar

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Lokesh Kumar along with Shri Jitender Singh

Respondent: Shri Gagan Sharma, Asst. Vice President, Shri K. Jagatheesh, DGM, Shri Imran Siddiqui, Sr. Manager (Legal) and Ms. Ritu Gupta, Advocate, on behalf of BYPL

Date of Hearing: 15.03.2023

Date of Order: 13.04.2023

ORDER

1. The appeal No. 02/2023 has been filed by Shri Lokesh Kumar, R/o C-3/5, Gali No. 19/1, Harsh Vihar, Mandoli, Delhi - 110093, against the order of the Forum (CGRF-BYPL) dated 26.12.2022 passed in Complaint No. 202/2022.

2. The instant case is that the Appellant is the owner of a 25 sq. yards. plot bearing Plot No. C-3/37, Gali No. 29/2, Khasra No. 18/14/1, Harsh Vihar, Delhi - 110093. The construction on the plot is getting affected because of existence of an electricity pole adjacent to the front wall of his premises, as it is causing hindrance to the construction. The pole and the cables also pose threat to life and property, for which he has requested the Respondent to shift it. The Respondent turned down his request on the ground that shifting the pole is neither technically feasible nor safe. The shifting would also disturb the alignment of the supply line and if the pole is shifted towards the road, it will be in the middle of the road/path which would be hazardous to the commuters. The Appellant approached the CGRF-BYPL. The Forum in its order dated 26.12.2022, rejected

the request while mentioning Safety Regulations 79 & 80 of Electricity Rules, 1956 & Rule 60 of Central Electricity Authority (Measures relating to safety and electric supply) Regulations, 2010 and advised the Appellant to be careful while constructing his plot and should leave required distance between the pole and his premises (vertical distance of 2.5 meter and horizontal 1.2 meters).

3. Being aggrieved by the order of the CGRF, the Appellant filed this appeal with a request to consider the following points and direct the Respondent to shift the pole and solve his problem:

- (a) Pole has been fixed adjacent to his wall and is tilted towards his plot.
- (b) The distance between the wall of his property and the pole should be 3.5 feet as other poles in the street are maintaining the distance.
- (c) The expenditure on account of shifting should be borne by the company, who got the tender for this work.
- (d) A copy of photograph of disputed pole has also been enclosed with the appeal.

4. The above appeal was admitted and taken up for hearing on 15.03.2023. During the hearing, both the parties were present. An opportunity was given to both the parties to plead their case at length.

5. During the hearing, the Appellant reiterated his grievance about non-shifting of electric pole as requested although it is a safety hazard for his house. The Appellant further stated that the electric pole is installed adjacent to his plot and also slightly inclined towards it, due to which there could be a risk of an untoward incident/accident. While other electric poles in the street are installed at a distance from the houses, and a reasonable distance from house is maintained, this benefit is denied to him. He even presented a video to prove his point and requested to shift the pole, in question, at the same distance as other poles are from their adjacent houses.

On being asked, to clarify whether the pole was installed after the purchase of plot or pre-existed, it was stated by the Respondent that the electric pole was installed much before purchase of the plot.



7. In rebuttal, the Respondent also stated that all the electric poles are in one alignment. There is no issue of any hindrance upto the ground floor. The safety issue arises when the inhabitants of such colonies construct the first or more floors on the property. On being asked, whether all the other poles are maintaining the horizontal distance as per the CEA's guidelines, the officer present stated that these poles are at some distance but not as per the requirement of 1.2 meters away from the building as stipulated in the CEA Safety rules. They also confirmed that the pole had been installed there much before the Appellant's buying the plot. The Counsel for the Respondent also submitted that they come across these issues very frequently. Recently, they have started filing civil suits along with Municipal Corporation of Delhi (as a party) and now consumers are maintaining the required distance from the electric pole, as per the CEA's guidelines.

8. After considering all the arguments of both the parties, it was felt that the compliance of the CEA's Guidelines by the Respondent needs due consideration. In view of this, the Ombudsman directed Shri Gagan Sharma, Asst. Vice President, BSES-BYPL, to carry out a comprehensive inspection of the site and submit objective report by 29.03.2023, mentioning the followings:

- (a) When was this colony established?
- (b) Whether the electric poles were already there before plotting?
- (c) What is the plot size of the Appellant? Has the Appellant encroached upon public land resulting the abetment of building with the pole?
- (e) What is the position of electric poles in another street (back-side)?
- (f) When was the oldest and new connection installed?
- (g) Whether uniform distance of poles from any house is maintained in the area, if so, why the same could not be considered and carried out in this case of the Appellant?


9. A report dated Nil received on 11.04.2023 from the Sr. DGM, mentions that as per Site Plan, pole outside the premises of the Appellant can be shifted forward in alignment with other two poles as per Regulation 24 of DERC's (Supply Code and Performance Standards) Regulations, 2017. The area was reported to be electrified in 2004 and the oldest connections are from 10.12.2004 and 10.06.2004 respectively.



10. The matter has been carefully considered at length. The documents on record, photographs etc. duly establish that the plot, in question, is in the middle of Gali No. 29/1, C-3 Block, with vacant plots and houses having electricity connections. The pole, in question, is adjacent to the plot of the Appellant and touching the boundary wall. The guidelines laid down in Regulations 60 & 61 of Central Electricity Authority (Measures relating to safety and electric supply) Regulations, 2010, stipulate for maintenance of a vertical distance of 2.5 meters from the highest point and horizontal distance of 1.2 meters from the nearest point. The maintenance of horizontal distance from the plot is clearly violated during the construction activity undertaken by the Appellant. Photographs of the plot also indicate that the electrical line in question is also near other plots or houses in the vicinity and apparently violating the horizontal safety norms (1.2 meter distance). On the basis of discussions, documents/photographs placed on record, the rule provisions, this Court directs:

- (a) The Respondent to shift the pole forward in alignment with the two other poles in the area, in the interest of safety. The cost of shifting (aligning) would be borne by the Respondent.
- (b) The Respondent is directed to ensure that other residents in the area also duly adhere to the laid down safety norms.
- (c) Adopt all safety mechanism through proper maintenance of lines, transformers and wires with proper insulation to ensure safe and secure living of the local residents in the area.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
13.04.2023