

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 No.: 011-26144979)

Appeal No. 17/2022

(Against the CGRF-BRPL's order dated 20.04.2022 in CG. No. 09/2022)

IN THE MATTER OF

Shri Ram Mehar

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Ram Mehar alongwith his son Shri Dinesh Kumar

Respondent: Shri Ajit Singh Kadian, ABVP, Shri Raju Saklani, DGM,
Shri Sudarshan B, Senior Manager and Shri Deepak
Pathak, Advocate, on behalf of BRPL

Date of Hearing: 21.09.2022

Date of Order: 22.09.2022

ORDER

1. Appeal No. 17/2022 has been filed by Shri Ram Mehar, R/o A-35, Gali No. 3, Jain Park, Main Matiala Road, Uttam Nagar, New Delhi - 110059, against the order of the Forum (CGRF-BRPL) dated 20.04.2022 passed in CG No. 09/2022. The issue concerned in the appeal is to replace the existing 25 KVA (3-phase) transformer on a double pole (DP) structure having 11 KV/3-phase HT A B C line from the center of the main gate of his premises.

2. The background of the case is that the Respondent had installed a 3-phase 25 KVA transformer on two poles in front of the Appellant's factory with a condition that he had to provide space for the transformer and, in future whenever his connection gets disconnected, the transformer will be removed from there. The Appellant had closed his factory and got disconnected his 3-phase electricity



connection also. Now, the above said premises is being used for residential purposes along with his family and due to the open wiring of the 3-phase transformer, there is threat to life/property. Therefore, the Appellant approached the Respondent to remove/replace the 3-phase transformer on two poles in front of his premises with a 1-phase transformer on one pole. In this regard, the Appellant also sent various communications directly or through the local MLA to the Respondent but no action was taken by the Respondent. Hence, he filed his complaint before the CGRF-BRPL on 17.01.2022.

3. The CGRF in its order dated 20.04.2022 observed that a 25 KVA 3-phase pole mounted sub-station was erected in the year 2003 for the non-domestic connection of the complainant. Now, the premises is being used for residential purpose and the complainant wants it to be removed. The Respondent has stated that this transformer is required to fulfill the electricity need of residents of that area, as such, the transformer could not be removed. The CGRF gave direction to the Respondent to survey the site to place the transformer on a single pole, if technically feasible, and also take safety measures as per rules and regulations.

4. When the Appellant did not receive any reply from the Respondent after one month of the order of the CGRF, he preferred this appeal raising various points, i.e., presence of naked wires, no site visit by the Respondent in his presence, future use of transformer by the Respondent due to increase in load in Jain Park, and requested for installation of single phase low voltage domestic transformer in front of his premises while changing the order of CGRF and prayed that (a) naked wires to be removed from the transformer and jumpers (b) transformer on single pole be installed and (c) two poles installed in front of his house main gate be removed.

5. The case was taken up for the hearing on 21.09.2022. During the hearing, both the parties were present, in person. An opportunity was given to both the parties to plead their case at length.

6. During the hearing, the Appellant reiterated the same as in his appeal and in support of his contention, he showed photographs of 3-phase distribution transformer installed at the site for running his factory. He further claimed that now his factory has been shut, as such, a 1-phase transformer is needed for domestic requirement. When asked to the Appellant whether said transformer was installed on his land or else, the Appellant replied that it was on public land but in front of his main gate. The Appellant further stated that earlier he did not



face any problem, as it was only used for factory purposes. Now, he constructed a house, therefore, it is a threat to life/property. He further stated that presently there is no service connection from this transformer and the transformer is not live at present.

7. The Respondent in their written submissions stated that 3-phase transformer was installed approx. 17 years back and since then not a single incident has ever been reported. The cables are periodically inspected for safety. The house of the Appellant is situated about 5 feet away from the pole structure on which a 3-phase transformer is installed. The cable is fully insulated and the Appellant is trying to clear the front portion of his house where the transformer/poles are installed, while raising the bogey of apprehension of mishap. The transformer was installed on public land which caters to the supply of the public at large in the locality. Further, such a transformer can be installed only on the HT PCC double pole structure and not on the single pole.

In addition to the above, the Respondent submitted that this is a case of shifting of the transformer, so the Appellant has to provide required space as per Standard Operating Procedure. The Respondent advised the Appellant to apply the case online for shifting and submit the undertaking to provide space so that they can take necessary action. When asked whether connections have been given from this transformer, the Respondent stated that they are ready to file an affidavit in this regard. Further, on the question of whether the distribution transformer could be technically shifted to a feasible space or not. If yes, what efforts have been made by the Respondent along with the Appellant till date for resolving the matter? In reply, the Respondent stated that they tried to resolve the matter at their level but the Appellant did not agree with their proposal. In rebuttal, the Appellant admitted that he had visited the Respondent's office and reiterated his contention and insisted on shifting the Distribution Transformer and also changing it into 1-phase domestic transformer. The Respondent was asked to explore the possibility of shifting of said Double Pole structure at the site proposed by the Residents Welfare Association (RWA), if feasible. The technical person representing the Respondent side apprised that they have already explored the possibility of shifting but it was not feasible.


On enquiry regarding existing of any 3-phase service line from existing transformer, the Respondent apprised that there is no 3-phase service cable emanating/feeding from this transformer and all existing 1-phase service lines (about 8 in nos.) can be given from 25 KVA 1-phase transformer, which can be installed on a single pole.

8. I have gone through the appeal, written statement of the Respondent and photographs very minutely. I have also heard the arguments of the contending parties. Relevant questions were asked and queries raised by the Ombudsman, Advisor (Engineering) & Advisor (Law) on some issues to get more information.

9. In view of the above discussion, I am of the considered opinion that the Appellant's property is in an unauthorized colony and gate antedates the existence of DP, in question. It is the Appellant's subsequent alteration/addition to his construction which has brought DP in middle of his gate thereby triggering its removal/shifting. Since, there is no submission on record and agreement by the Residents Welfare Association for an alternate place for shifting, which gets supported by the site visit also as there is no suitable place for shifting. In view of the above, I am in full agreement with the Respondent that apprehension of danger/safety cannot be the ground for shifting/relocating the transformer.

10. Accordingly, in the background of the above exposition, the CGRF's order is modified to the extent that the Respondent is directed to install a 25 KVA 1-phase transformer on a single pole on one side (in front of the Appellant's premises near existing double pole structure) and remove the existing double pole structure along with the transformer. However, the cost of shifting/removal has to be borne by the Appellant. Respondent would not charge for the cost of 25 KV 1-phase transformer to be installed on the single pole. Respondent is further directed to give the estimates for the above in one week from the issue of this order and complete the process within a month after the money gets deposited by the Appellant.

The Appeal is hereby disposed off accordingly.



(P. K. Bhardwaj)
Electricity Ombudsman
22.09.2022