

OFFICE OF THE 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. 21/2020

(Against the CGRF-TPDDL's order dated 28.09.2020 in CG No. 22/2020)

IN THE MATTER OF

SHRI HARBHAJAN SHARMA

Vs.

TATA POWER DELHI DISTRIBUTION LTD.

Present:

Appellant : Shri Harbhajan Sharma

Respondent: Shri Ajay Joshi, Sr. Manager (Legal) and Shri S.K. Vashisht (ZRDMO), on behalf of the TPDDL.

Date of Hearing: 21.12.2020

Date of Order: 30.12.2020

ORDER

1. The appeal No. 21/2020 has been filed by Shri Harbhajan Sharma against the order of the Forum (CGRF-TPDDL) dated 28.09.2020 passed in CG No. 22/2020. The issue concerned in the Appellant's grievance is regarding non release of new electricity connection at his premises bearing H.No. G-7, Kh. No. 82/18, Jain Nagar, Karala, Delhi - 110081

2. The brief background of the appeal arises from fact that the appellant applied for a new electricity connection for a load of 1 KW under domestic category to be installed at his premises which was rejected by the Discom (Respondent) on account of safety and security violation. He alleged that he approached the Discom for new electricity connection several times during the last five years but his requests were rejected every time only on account of security reasons. He further submitted that the reason of security violation has been selectively applied in his case as some permanent connections have already been provided to the nearby houses of his locality, who according to him are also violating the security norms.

He also clarified that a temporary connection being CA No. 60019319833 has been provided to him since 2015 but his request for permanent connection is being rejected.

The appellant further submitted that his premises is constructed only on the ground floor and there are no stairs leading to the roof, as such there is no cause of any mis-happening. He further claimed that a distance of 10-12 feet is existing between the high voltage line and the roof as such violation of safety norms as cited by the Discom are incorrect. He further stated that since the Discom was not releasing the electricity connection even after a lot of pursual, he approached the CGRF for redressal of his grievances. The CGRF after hearing the matter dismissed his complaint for installation of permanent connection in view of the non adherence of safety norms regarding the vertical clearance between roof of the applied premises and 11 KV bare HT Line.

In view of the rejection of his complaint by the CGRF, he has preferred this appeal on the grounds that the CGRF has failed to appreciate the fact that the HT network can be shifted to a new location and an electricity pole can be installed at his premises in order to release the permanent connection. He further added that the CGRF has also not considered the fact that the vertical height of his premises is more 10-12 feet and the support wire and earth wire are not included in the height of the premises in question. In view of above the appellant prayed to set aside the order of the CGRF and get the permanent electricity connection released.

3. The Discom in its reply submitted that the applied premises is located under 11KV line of Jain Nagar Feeder and on account of above mentioned safety reasons, the application for the new connection of the appellant was cancelled on 26.07.2019. A notice for unauthorized construction and closeness of its premises to 11 KV HT line was also issued to him on 16.01.2020. The Discom further stated that the Clause 61 of Central Electricity Notification dated 20.09.2010 provides that an overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line. Similarly the Clause 11(2) (iv) (c) of Supply Code Regulations, 2017 clearly states that:

"The licensee shall not sanction the load, if upon inspection, the licensee finds that the energization would be violation of any provision Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders".

The Discom further submitted that the contention of the Appellant with respect to installation of pole to cater the electricity supply is completely misplaced in view of the vertical clearance between the roof of the premise and 11 KV bare HT line which is not as per the norms. An inspection was also carried out as per the directions of the CGRF on 24.07.2020 in the presence of the Appellant and as per the inspection report it was found that the Appellant has illegally constructed the premises under the existing 11 KV bare network and there is no horizontal clearance at site constructed under the existing electrical network. Further, as there are safety issues involved and there is no other option available to release of the connection and therefore the connection cannot be released. The Discom countered the contention of the Appellant regarding the notice issued with respect to the unauthorized construction, which does not mitigate the concerns of safety at the applied site. On the contrary, the service of notice strengthens the existence of safety issues at the site and hence there is no irregularity in issuing the notice with respect to the unauthorized construction under 11 KV HT line.

The Discom finally stated that in the light of submissions made herein above, it is prayed that the plea of the Appellant be dismissed as the present appeal does not have any merit.

4. After hearing both the parties and considering the material on record, the basic issue revolves around the non release of domestic new electricity connection to the Appellant basically on account of safety issues involved therein, as per the provision under Clause 61 of Central Electricity Authority Notifications, 2010 and Regulation 11(2)(iv)(c) of the Supply Code and Performance Standards Regulations, 2017. From the records, it is observed that the requisite vertical clearance from the existing 11 KV Bare HT line is not available in the instant case. The contention of the Discom regarding violation of Clause 61 of CEA Safety Regulations, 2010 is relevant as it stipulates that an overhead line shall not cross over an existing building and no building shall be constructed under an existing overhead line. Since in the instant case, the building was constructed by the Appellant under an already existing overhead HT line, so he should have taken the required approval and permission from the Discom before erection/construction of the building as per the Clause 63 of CEA, Regulations, 2010. Further, as per Regulation 11(2)(iv)(c) of the DERC Supply Code & Performance Standards Regulations, 2017, the Discom is well within its rights to deny the new connection to the Appellant in view of the violation of the provision of the safety norms.

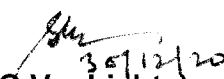


It is pertinent to note here that the Appellant has been provided with the temporary connection since 2015 onwards and the same is being extended from time to time as per the regulations. An important point to be noted here is that when a building which is not conforming to the safety regulations has already been given a temporary connection then why a permanent connection cannot be released by the Discom. The safety norms are not different for a temporary connection vis-à-vis permanent connection and therefore this aspect has to be looked into by the Discom at its end. It is further noted that when the property, which has been granted only a temporary electricity connection for construction purposes, has already been served with a notice of violation by the Discom then it is upto the latter to pursue whatever course of action is prescribed under the law for dealing with such cases.

In addition to above, Regulation 24 of DERC Supply Code & Performance Standards Regulations, 2017, provides for shifting of an electric line for a genuine purpose and in view of the same the Appellant may apply for shifting the electric lines over the said piece of land. However, such shifting of line can only be carried out by the Discom only if the same is technically feasible and strictly in accordance with the various clauses of Regulations 24 of DERC Supply Code & Performance Standards Regulations, 2017. During the hearing, the Appellant however agreed to bear the legitimate cost of shifting of the line. In view of above, in case the Appellant if so desires to bear the cost and applies for shifting of line, the Discom may consider the possibility strictly in accordance with the Regulation 24 of DERC Supply Code & Performance Standards Regulations, 2017, keeping in view the safety norms into consideration.

In the light of the above background, it is held that in the present case, the requirement of adherence of safety norms regarding vertical clearance between roof of the applied premises and 11 KV bare HT line is not fulfilled and as such the Discom is well within its rights to deny the permanent electricity connection to the Appellant.

No intervention with the verdict of the CGRF is warranted and the appeal stands disposed of as dismissed being unsustainable.


(S.C.Vashishta)
Electricity Ombudsman
30.12.2020