

**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. 34/2021**

(Against the CGRF-TPDDL's order dated 14.09.2021 in CG No. 56/21)

**IN THE MATTER OF**

**SHRI RAJ PAL SINGH**

**Vs.**

**TATA POWER DELHI DISTRIBUTION LTD.**

**Present:**

Appellant: Shri Raj Pal Singh along with Shri Rajeev Kumar

Respondent: Shri Ajay Joshi, Sr. Manager (Legal), Shri Lalit Chauhan,  
Assistant Manager and Shri Saurav Sharma, Executive  
on behalf of the TPDDL.

Date of Hearing: 04.04.2022 & 06.04.2022

Date of Order: 07.04.2022

**ORDER**

1. Appeal No. 34/2021 has been filed by Shri Raj Pal Singh, R/o S1, A-71, Monika Apartment, Shalimar Garden Extension-2, Sahibabad, Ghaziabad, UP. against the order 14.09.2021 passed by the CGRF-TPDDL in CG No. 56/2021. The issue concerned in the Appellant's grievance is regarding non-release of 2 KW electricity connection at his property bearing No. EE-74, First Floor, Jahangir Puri, Delhi – 110033.

2. The background of the appeal arises from the fact that the Appellant had applied for a new electricity connection for a load of 2 KW at EE-74, First Floor, Jahangir Puri, Delhi – 110033, which was rejected by the Discom (Respondent) on the grounds of safety measures. The Appellant stated that he approached the Respondent's Customer Care Analysis Group (CCAG) for new electricity



connection vide Request Nos. 2024883918, 2024898911 and 2025175598 CGRF file) but his request was rejected "on account of safety measures because the required clearance between HT line and applied premises is not available." Then the Appellant approached the CGRF-TPDDL for an appropriate solution to the problem of HT clearance and requested to release a new electricity connection at the above cited premises. He had also submitted that before applying for a new electricity connection, he had informed the Respondent regarding existence of HT infrastructure very close to the shop which is not only danger for property but also of the life of himself and others.

3. In rebuttal the Respondent before the CGRF-TPDDL stated:

(i) That the Appellant had applied for a new domestic connection at House No./Residence Shop No. EE-74, First Floor, DDA Market, Jahangir Puri, Delhi, for load of 2 KW – Domestic (JJ-Category) supply type.

(ii) That the Appellant had encroached the double pole structure of Distribution Transformer at applied site and thereby decreased the ground clearance and also considered the building without proper horizontal clearance from the existing HT Line. In this regard, they had already issued the notice for un-authorized construction to the Appellant and are in the process of initiating legal proceeding against him before the SDM Court.

(iii) That they had initiated the processing of releasing of said new connection. However, while processing the Appellant request, it was found that the HT ABC Line clearance is not available at the applied site at First Floor. The distance between the applied premises on first floor and HVDS lines is less than 0.6 meter. In addition to, non-availability of minimum clearance of 1.2 meter between the applied premises and HT line, the Pole mounted Distribution Transformer also stands encroached at the Ground Floor. Further, it seems the Appellant has extended Ground Floor and First Floor from their actual allotted size as per documents submitted by the Appellant.

The Respondent further submitted that as per Clause- 60 & 61 of Central Electricity Act Regulations, 2010 - *"No building, structure can be constructed under or in vicinity of existing overhead line or network and the minimum safety clearance required between premises and the Respondent's network of up to 11 KV network should be of 1.2 meters"*.



In this case due to unauthorized construction of balcony, the same is not available.

In addition, as per Clause 11(2)(IV)(c) of DERC Supply Code and Performance Standards, 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 of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under and of their Regulations or Orders”*.

(iv) In view of above facts, it is neither technically nor practically possible to release a new electricity connection to the Appellant. Hence, the same was rejected.

4. The CGRF observed that the complainant admitted that he had purchased the said premises comprising of shop on ground floor and residential portion on first and second floor in the year 2020. Later, he had carried out addition/extension, which reduced the requisite clearance as required under Clause 60 & 61 Regulations, 2010. The complainant repeatedly insisted that safety violation is on account of HT infrastructure of the Respondent which should be shifted to ensure requisite clearance to provide applied electricity connection. The Appellant further asserted that he cannot be deprived of electricity connection for indefinite period and has prayed that he can open his shop on the ground floor of the premises only once his DL (domestic) connection is released. Subsequently, he would apply for commercial connection of his shop on the ground floor.

The CGRF in its order directed that:

(i) Both the parties carry out a joint site visit on 17.09.2021 at 2 PM to verify the distance between the building and HT structure.

(ii) The Respondent to advise the Appellant to carry out modifications required for adequate clearance for release of applied electricity connection. In case, the Appellant undertakes the modifications as advised during joint site visit, the Respondent would release the electricity connection within 10 working days after receipt of intimation by him for having created adequate clearance subject to completion of commercial formalities.



(iii) The Respondent would file compliance/action taken report within one month period.

5. Aggrieved by the CGRF's order, the Appellant has preferred this appeal on the grounds that on the direction of the CGRF, the Respondent team visited the premises on 17.09.2021. He was asked verbally to remove the balcony without specifying any measurement/proportions, otherwise the connection at first floor cannot be granted, but there was no such problem on the ground floor, electricity connection can be granted upon his application for the same. Then he approached the CGRF through e-mail dated 18.09.2021 but in response he received the order dated 14.09.2021. Through the present appeal, the Appellant has prayed that:

He may be granted new electricity connection, as it is an essential for life. The Respondent is directly responsible for the present situation as under:

Because safe distance was not maintained at the time of installation, the encroachment is on the part of the HT set up towards the said premises which is showing availability of only 0.6 meter against the required clearance of 1.2 meter.

6. After hearing both the parties at length and going through the entire records pertaining to the instant appeal, it is found that there are number of contentious issues which require further examination. As such, the Respondent was directed to carry out a joint site visit to find the actual situation at the site. The site inspection should be done in detail and the joint report to be submitted on 06.04.2022 at 1430 hrs. The joint report should be signed by both the parties and should answer the following questions with clarity and categorically:

(i) In which year the transformer was installed? Whether it was installed before the construction of the shop or after that?

(ii) Actual parameters to measure the distance from conductor as per Regulations, whether it is 1 meter or 1.2 meters from the point as detailed under specific provision of Electricity Act

(iii) Whether MCD and DDA Bye-Laws permit 0.75 meters balcony/extension on the first or subsequent floors? Was it factored at the time of installation of Transformer?





(iv) What requirement is to be fulfilled to get the connection for the first floor? Whether the 'Chajja' should be removed or modified? What is the main objection?

(v) When the cable/HT ABC line was laid surrounding the Appellant's premises wall? Is it before or after the construction? If it is after, what is the solution now?

(vi) Can a domestic connection be released in a shopping complex, as per law/rules presently in force?

(vii) Which cable is passing through the premises of his neighbour, as claimed by the Appellant and what is present status thereof? Whether it is service cable or main cable feeding other installations?

7. The hearing resumed on 06.04.2022 at 1430 hrs., wherein both the parties were present. The Respondent submitted a Joint Inspection Report in which all the questions listed above were answered clearly. The Joint Inspection Report mentioned very clearly that the ground floor of the shop belonging to the Appellant is away from the electrical infrastructure (D.P. Structure) by a distance of 1.47 meters. This distance is more than the distance provided by the Central Electricity Authority (CEA), 1.20 meters. The report also mentions the distance of MCCB to be 1.06 meters from the premises of the Appellant. However, Respondent when asked specifically about the possibility of giving connection at the ground floor, affirmed that at ground floor commercial connection would be given. The distance from the first floor as per report is .381 meters approx. from the electrical infrastructure which falls far below the limit prescribed by the CEA under Section 60 and 61. In view of this distance, the electricity connection, as asked as for by the Appellant cannot be given.

The joint inspection also clearly portrays encroachment by the Appellant on both sides of the building chabutra (platform) and also on the first floor in the form of extended coverage area in the name of balcony/chhajja. It is to be mentioned that the Municipal Corporation Department (MCD)'s and Delhi Development Authority (DDA) Unified Building Bye-Laws, nowhere allows this kind of coverage. These bye-laws at best allow sun-shade of 0.75 meters (MCD Bye-laws) whereas DDA Unified Bye-laws provide a balcony (1.5 meters) within the plot area to be free from "FAR". The construction of the Appellant is not covered by the above bye-laws.



The Joint Inspection Report, if read in its entirety suggest that care was taken by the Respondent (Discom) while installing the infrastructure to take into account safety provisions as per relevant acts. Subsequently, because of the encroachment by the Appellant and other such persons in the neighbourhood the infrastructure provided by the Discom had seemingly becomes dangerously close to the construction(s) being done by the Appellant and the neighbours. Hence, the Respondent finds it difficult to provide connections as it would violate the provisions of CEA and other relevant rules. It was further clarified by the Respondent that the purported application dated 20.09.2020 was not sent to them and hence they could not take any action. When the issue was brought to their notice in the month of December, 2020, the construction/encroachment had already been done by the Appellant.

8. In view of the above Joint Inspection Report, the photographs available of the ground situation and also available records, I am of considered opinion that the Appellant is not entitled to the electricity connection as asked for. In case he applies for electricity connection at the ground floor shop, the Respondent may provide non-domestic connection after completing all the commercial formalities. Respondent may also look at shifting MCCB before providing the connection as the distance as prescribed in the act is 1.20 meters whereas MCCB is located at a distance of 1.06 meters to ensure clearance as per CEA Regulations, 2010. To get the domestic connection for the first floor, the Appellant would have to remove the encroachment made on the first floor to the tune of 3 feet approximately so that the provisions of CEA under Section 60 & 61 are complied with. The Appellant may also require to remove the encroachment around the poles in the form of "Chabutra", if asked for by the Respondent.

The Respondent is also directed to:

- (a) fence the electrical installation immediately as it is in a crowded area so as to ensure safety of the Residents.
- (b) to take care of HT cables appropriately so that it does not harm the Appellant in any way.
- (c) to look into the complaint with regard the service cables going into the house of the Appellant's neighbour at EE-73.



The above actions on the part of the Respondent must be taken in next 30 (thirty) days on receipt of this order. Similarly, non-domestic electricity connection to the shop at ground floor may also be provided within prescribed time frame to the Appellant as and when applied for, after completing commercial formalities.

9. The appeal, therefore, stands disposed off.



(P.K. Bhardwaj)  
Electricity Ombudsman  
07.04.2022