

Office of Electricity Ombudsman

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

B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057

(Phone No.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2009/352

Appeal against Order dated 26.10.2009 passed by CGRF-BRPL in case no. C.G.No.48/2009.

In the matter of:

RPS Flats Residents Welfare Association (Regd.) - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri Alok Bhatnagar, Member,
Shri Ravi Kapoor, Member,
Shri A.N. Aggarwal, Treasurer
Shri Krishan Kumar, Ex-Member all attended on behalf of the Association & residents of the colony

Respondent Shri J.K. Garg, DGM,
Shri T.R. Banwal, Senior Manager,
Shri Kewal Kishore, Senior Manager all attended on behalf of BRPL

Date of Hearing : 20.11.2009, 11.12.2009, 07.01.2010

Date of Order : 09.02.2010

ORDER NO. OMBUDSMAN/2009/352

1.0 The RPS Flats Residents Welfare Association (RPS-RWA), representing the residents of the colony, has filed this appeal dated 13.11.2009 against the CGRF's order dated 26.10.2009 in CG No.

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48/2009, requesting for replacement of the overhead electricity distribution cables by an underground LT cable distribution system in the colony. The Appellant has prayed that :

- (a) Instructions be issued to the BSES for maintaining the present status-quo in the said RPS colony till the matter is finally decided.
- (b) to set aside the impugned order dated 26.10.2009 of the CGRF (BRPL) and issue of necessary instructions to the BSES to carryout augmentation work in RPS colony only by way of providing underground L.T. cables etc. maintaining the original set up of RPS colony.
- (c) To direct the BSES to give compensation of Rs.5,000/- to each resident in their electricity bill for harassment on a/c of illegal and unauthorized load shedding for considerable hours, in a day upto 10 to 12 hours, continued up to a fortnight. Besides issue of directions to pay Rs.20,000/- as compensation to the RWA for the humiliation, inconvenience, harassment, mental torture etc.
- (d) BSES be penalized suitably for carrying out the illegal work of overhead cables in the RPS colony without the prior approval of the competent authority, and for giving false and misleading statements to the CGRF.

1.1 The brief facts of the case as per records and submissions of the parties are as under:

- i) The RPS Colony was developed by the DDA in 1977 for retired government employees. The 304 flats in the colony

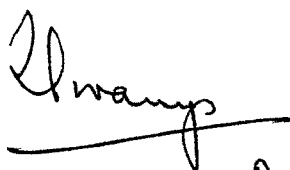
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were provided electricity through an underground LT cable electricity distribution system and feeder pillars. Development charges and security deposit charges were paid by the allottees at the time of allotment of plots, and grant of electricity connections.

- ii) The Respondent had provided overhead cables from the feeder pillars to individual flats or whenever there was any problem/fault in the distribution cable system, and the cost incurred on the cables was borne by the individual flat owners. Over the years this has resulted in the existence of a net-work of overhead cables throughout the colony, jeopardizing the safety standards of the electricity distribution system.
- iii) The Appellant RWA took up the case of replacement of the existing overhead cables with an underground system with the Respondent and other authorities.
- iv) The Respondent finally prepared a scheme for improving the distribution system, by converting the existing underground system and overhead cables into an overhead cable system in the colony and started the work.

1.2 The Appellant filed a complaint before the CGRF-BRPL, protesting against the decision of the BSES-BYPL of laying overhead cables for replacing the existing underground system.

In the hearing before the CGRF-BRPL, the Appellant objected to the Respondent's decision of laying an overhead system because the lanes in the colony were very narrow and the erection of poles in the

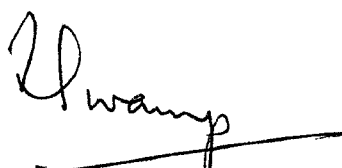

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congested lanes would obstruct the movement of vehicles and prevent entrance of fire service vehicles and ambulances etc., in an emergency. The Appellant also stated that the Respondent had neither obtained the required mandatory approval of the DERC nor consulted the Appellant, for implementing the proposed improvement scheme.

The Respondent stated before the CGRF that the scheme of improving the existing cable net-work through provision of a new overhead cable system would cost Rs.40.00 lakhs, out of which Rs.28.00 lakhs had already been spent. The Respondent also stated that the overhead cable system was designed keeping in view the interest of the residents of the colony, because it would facilitate easy maintenance.

In response to an enquiry by the CGRF, the Respondent also clarified that necessary approval was obtained from the DERC which was given vide their letter F.17(129)/Engg./DERC/2008-09/C.F.No.132/5507 dated 16.1.2009, and the laying of the overhead cable system was undertaken accordingly.

The CGRF, after taking into consideration the records and the averments made by both the parties directed that the work of converting the underground cable system to an overhead distribution system be carried out as per the DERC's approval.

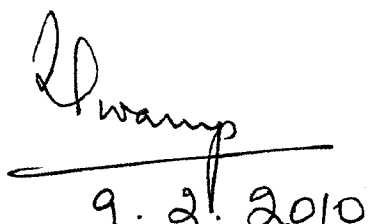

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- 2.0 The Appellant, being aggrieved by the order of the CGRF dated 26.10.09 has filed this appeal before the Ombudsman, praying for replacement of the overhead electricity cables by an underground LT cable system for improvement of the electricity distribution network in the colony.

After perusal of the records and after obtaining the required clarifications from both the parties, the first hearing of the case was fixed on 20.11.2009.

- 2.1 At the first hearing on 20.11.2009, the Appellant was represented by the authorized RWA members Shri Alok Bhatnagar (Member), Shri Ravi Kapoor (Member), Shri A.N. Aggarwal (Treasurer) and Shri Krishan Kumar (Ex.-Member). The Respondent was present through Shri J.K. Garg (DGM), Shri T.R. Banwal (Senior Manager) and Shri Kewal Kishore (Senior Manager).

The Appellant at the outset submitted that keeping in view the policy of the Government of NCT of Delhi, the overhead cables should be replaced by underground LT cables. Moreover, in view of the fact that the colony already had an underground system and the lanes in the colony are very narrow and congested, erection of electricity poles in the lanes would obstruct the movement of vehicles and even prevent entry of fire service vehicles and ambulances in case of an emergency.


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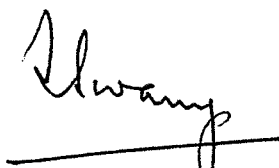
The Respondent, on the other hand, clarified that the laying of overhead cables was found to be technically feasible. Moreover, an expenditure of about Rs.28.00 lakhs had already been incurred out of the total project cost of Rs.40.00 lakhs, for laying the overhead cable system.

It emerged from the submissions made by both the parties that the main issue for consideration was the non-availability of space in the congested lanes either for laying underground cables or for erecting electricity poles for an overhead system. After hearing both the parties, it was decided that a site inspection be carried out by Shri K.K. Mahajan, Adviser (Engineering) in the Ombudsman office on 30.11.2009 at 3.00 PM, in the presence of both the parties to make a realistic assessment of the following aspects:

- The availability of space for laying an underground cable system after scrutiny of the various plans, approval etc.
- The quantum of work already completed
- The extent of encroachment in each lane affecting the work.

The inspection report was to be submitted before the next date of hearing on 11.12.2009.

2.2 The Inspection Report submitted by Shri K.K. Mahajan brought out that the residents of the Colony had themselves replaced the old underground distribution system and the overhead cables in one of the lanes by providing only an overhead LT cable distribution


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system and distribution boxes, by using the walls of the various flats, mostly under the balconies, for clamping the cables.

As such, the Respondent's officials were asked to examine the LT cable distribution system installed by the residents of the Colony and to see if this system could be replicated with some improvements in other parts of the colony. The Respondent was also asked to examine the feasibility of laying two service cables on each side of the lane from the feeder pillar/service pillar, for feeding half the flats with one cable and the remaining half with another cable, as suggested in the Report.

The Report also brought out that the BSES-BRPL framed the scheme for electrification of all the lanes with overhead insulated AB cables. For this 4-5 PCC poles were found erected in each lane and AB cables strung from pole to pole. On the first floor of almost all the flats, a two and a half feet balcony has been extended due to which the poles have been erected at a distance of about three feet from the wall and all residents have objected to this, because poles have partially blocked the lane. The overhead AB cables are also almost touching the balconies to which residents were objecting from the safety point of view as also this would create hindrance in lifting furniture, almirahs, etc. by ropes to the upper flats because the staircases are very narrow.

In one of the lanes overhead service-cables were found hanging from the poles to the premises, where meters are provided. A

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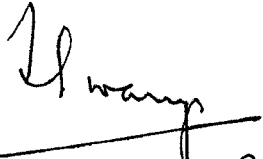
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large number of such overhead service-cables hanging in each lane was giving a shabby look to the colony.

It has been observed in the site inspection report that under ideal condition LT cables and service-cables should have been provided through an underground system, but, there is not enough space in the lanes because sewage lines, water lines and MTNL cables are already existing there. Moreover, adequate space is not there in the lanes to provide the additional feeder pillars/service pillars required to meet the increased load of the flats, which has gone up from 0.6 KW to about 10 KW for each flat.

- 2.3 At the hearing on 11.12.2009, the Appellant was represented by Shri Ravi Kapoor (Member), Shri A.N. Aggarwal (Treasurer) and Shri Krishan Kumar (Ex-Member). The Respondent was present through Shri J.K. Garg (DGM) and Shri Kewal Kishore (Senior Manager).

The Respondent submitted that the LT cables and service cables could not be provided by an underground system in the Colony because of the higher cost and there was also a constraint of space in the lanes, between the sewage lines, water lines and the MTNL cables. Moreover, space was not available in the lanes to provide the number of feeder pillars/service pillars required to meet the increased electricity load required by the 304 flats.


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The Appellant argued that they were willing to assist the Respondent in identifying space for installation of additional service and feeder pillars, and the existing underground lines could be upgraded, without any requirement for additional space.

Both the parties argued at length on the feasibility of an underground system. The Respondent was asked to review their distribution plan and to examine whether it was possible to replace the existing underground cable system with a higher capacity underground cable system using the existing space. Further, the Respondent was asked to indicate the number of additional pillars required to be installed, and the houses which can be supplied electricity by the existing and new pillars separately. The specific houses which cannot be supplied electricity through the underground system should also be identified.

- 2.4 At the third hearing on 07.01.2010, the Appellant was represented by Shri Alok Bhatnagar (Member), Shri Ravi Kapoor (Member), Shri A.N. Aggarwal (Treasurer) and Shri Krishan Kumar (Ex-Member). The Respondent was present through Shri J.K. Garg (DGM) and Shri Kewal Krishan (Ex. Engineer).

The Respondent submitted the revised distribution plan showing the location of the underground network and additional feeder / service pillars, required for an underground system. It was noted that ten additional service pillars planned were needed to be re-located to facilitate smooth movement of vehicles in the Colony.

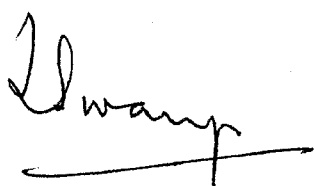
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The Respondent agreed to revise the plan and to re-locate these ten pillars at the two ends of the lanes, preferably on public land.

The following decisions were taken after hearing both the parties:-

- (a) The electricity supply system should be upgraded and cables be laid underground as a matter of policy because the original electricity cable system was laid underground. For this the existing space can be used. The Appellant will provide space where residents have encroached on the public area meant for laying cables
- (b) The two lanes, where work was undertaken, by the residents of the colony, be excluded, as these were recently upgraded by the residents at considerable cost. However, the left out areas in these lanes should be completed.
- (c) The revised plan for an underground distribution system showing the ten relocated pillars be submitted by 12.01.2010.

2.5 The Respondent submitted the revised plan after relocating the service pillars in the Colony vide letter No. 808 dated 12.01.2010, and stated that as per their revised plan, only five of the additional service pillars could be relocated to new sites. The remaining five could not be relocated due to technical reasons, and due to constraint of space and the need for longer service lines.

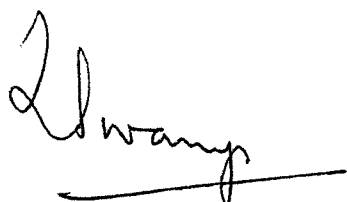


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The Appellant also submitted on 14.01.2010 their observations and a sketch for relocating the service pillars.

- 3.0 It is apparent from the perusal of records, the site inspection report and the detailed arguments of both the parties, that installation of an underground LT distribution system in the colony is possible and the preferred and appropriate solution for the Colony.
- 3.1 It is noted that the scheme for conversion of LT U/G system into an LT AB in RPS colony was framed at a cost of Rs.28.51 lakhs, and submitted to DERC on 29th September 2008, alongwith a few hundred schemes. Approval was accorded by DERC "in principle" with the directions that "the works shall be executed by adopting best industry practices duly keeping in view the aesthetics in case of all overhead works."

In the present case, the BSES-BRPL has gone ahead with the works without keeping in view the aesthetics or the convenience of the residents who have argued at length on this subject. The site inspection report reveals that the overhead system envisaged will not only be unaesthetic but will jeopardize safety and vehicle movement in the colony. The bulk of the expenditure incurred so far by BSES is on purchase of material, which can easily be utilized elsewhere.


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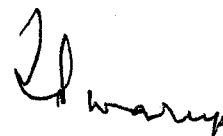
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3.2 After taking all factors into account the Respondent is therefore, directed as under:

- i. The upgradation of the electricity distribution system in the RPS colony be done by installing an underground distribution system. The colony originally had an underground system which should be upgraded.
- ii. The existing service pillars/feeder pillars be upgraded and used to the maximum extent; and
- iii. New service/feeder pillars be installed on public land at the beginning or end of lanes to avoid traffic obstruction. The Appellants will remove the encroachments on public land wherever necessary, to facilitate installation of these pillars.
- iv. The Appellant has prayed for a compensation of Rs.5000/- for each resident and Rs.20,000/- for the RWA for humiliation, inconvenience and harassment etc. No facts however have come to notice warranting grant of any compensation, either to the residents or to the RWA. Hence the prayer is not accepted.

3.3 The appeal is accordingly disposed of. Compliance of this order be reported within a period of 21 days of this order.

9th February 2010


(Suman Swarup)
Ombudsman