

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: 011-41009285 E.Mail elect_ombudsman@yahoo.com)

Appeal No: 39/2025

(Against the CGRF-TPDDL's order dated 31.07.2025 in CG. No.76/2025)

IN THE MATTER OF

Shri Amit Kumar Roy
(on behalf of Shri Sumit Kumar Roy)

Vs.

Tata Power Delhi Distribution Limited (TPDDL)

Present:

Appellant: Shri Amit Kumar Roy, in person, along with Shri Sumit Kumar Roy.

Respondent: Shri Jamal Nasir, Senior Manager (Legal) and Shri Kundan Gupta,
Senior Manager on behalf of the TPDDL

Date of Hearing: 07.11.2025

Date of Order: 10.11.2025

ORDER

1. Appeal No. 39/2025 dated 19.08.2025 has been filed by Shri Sumit Kumar Roy, R/o Plot No. 28, Khasra No. 68/21, Ground Floor, Rajeev Nagar Extension, Village Karala, Delhi - 110086, through his brother Shri Amit Kumar Roy, challenging the CGRF-TPDDL's order dated 31.07.2025 passed in CG No. 76/2025.

2. The background of the case is that the Appellant sent an e-mail to the Discom on 29.12.2024, requesting the removal of old Pole 513-3/37/12/1/10 (new pole U513-3/37/12/1/10A providing services) situated in front of his house. The distance of the pole from his property is only 2 feet or less, which obstructs in re-constructing his house due to safety concerns. Subsequently, the Appellant kept sending e-mail to the Discom for removal of pole. When no satisfactory response was received from the Discom, the Appellant filed a complaint before the Forum stating that he wants to re-construct his house (measuring 60 sq yards), but due to position/location of the pole, he is unable to do so. The required distance between the pole and his property



should be 1.2 meters (4 feet), whereas it is only 2 feet or less. To substantiate his claim, the Appellant provided photographs of the position/location of the pole along with his complaint, and requested the Forum either to shift old pole towards road side on the same position or remove it, and shift all connections to the new pole. Additionally, the Appellant requested to direct the Discom to award compensation on account of cost and undue harassment caused to him.

3. The Discom before the Forum submitted that a domestic electricity connection bearing CA No. 60023368065 energized on 23.05.2018 in the name of Shri Sumit Kumar Roy at the address mentioned in para '1'. Upon receiving a request for shifting of the pole, the site visit was conducted by the concerned zonal team and found that the complainant is requesting shifting of the LT pole towards the roadside. Presently, the LT network in this section is aligned from other poles and the distance between two poles is approx. 34 meters. Therefore, the requested shifting of pole by the complainant is not feasible. Further, shifting would also disrupt the existing alignment of the LT ABC network. It is evident that the pole is situated at a adequate distance from the boundary of the property, in question. The Respondent relied upon Regulation 24 of DERC's Supply Code, 2017, which states 'procedure for shifting electric line of electrical plant of the Licensee in this matter.

4. Subsequently, on the direction of the Forum, the Discom again carried out a joint site visit on 30.06.2025, and submitted a report mentioning that shifting is technically feasible and an estimate of Rs.94,162.32 plus applicable GST & RR charges was submitted with the following observations:

- i. The applicant has applied for the shifting of LT pole situated near his premises towards Gali/Road Side.
- ii. Two LT ABC networks running through the same pole, along with service lines.
- iii. The land owning agency is MCD, the Applicant is required to provide RoW permission from MCD.
- iv. It is jointly proposed to shift the said LT Pole (513-3/37/12/1/10) 1.5 feet's (approx.) towards the gali-side, along with one pole shifting at LHS ((513-3/37/12/1/11) and one on the RHS (513-3/37/12/1/09) to properly maintain the LT line clearance and alignment.
- v. The entire (100%) shifting cost will be borne by the consumer (applicant) only.
- vi. RR charges, if applicable, shall be chargeable to the applicant, as per actual, as such, Zonal Manager may consider and take action accordingly.



vii. The applicant shall resolve hindrance, if any, at the time of execution.

5. The CGRF-TPDDL, in its order dated 31.07.2025, determined that the pole had been erected by the Discom long time back and no objection was raised by the owner of the plot at that time. Although, the Discom agreed to shift/relocate the pole 1.5 feet towards the roadside, therefore, according to the Regulation 24 of DERC (Supply Code and Performance Standards) Regulations, 2017, the complainant is liable to pay shifting charges of one LT pole (513-3/37/12/1/10) situated in front of his property only. In view of the above, the Forum directed the Discom to issue estimate of the shifting one pole charges within 7 days from the date of order to the complainant, and upon receipt, the applicant would deposit the amount.

6. The Discom filed a review petition against the above-mentioned order, requesting the Forum to consider that the cost of shifting/alignment of three should be borne by the complainant. However, the Forum ordered that after considering all facts/documents, only the cost of shifting one pole would be charged to the complainant. Consequently, the Forum rejected the Discom's review petition vide its order dated 29.09.2025, stating that no new facts had been presented by the Discom.

7. The Appellant not satisfied by the order dated 31.07.2025, passed by the CGRF-TPDDL has filed this appeal asserting that the Forum has not considered the following:

- A. The Discom had not maintained the required horizontal standard distance of 1.2 meters of the pole in question, which is in violation of Rule 79(1)(ii) of the Indian Electricity Rules, 1956 read with Regulations 60 and 61(3) of Central Electricity Act Safety Regulation, 2010, which states the minimum horizontal clearance of 1.2 meters to be maintained while erecting the electricity pole.
- B. The Forum did not verify the following factors:
- When was the colony established?
 - Whether the electric poles were already there before plotting?
 - What is the plot size of the complainant? Has the complainant encroached upon public land resulting the abetment of building with the pole.
 - What is the position of electric poles in another street (back-side)?
 - When was the oldest connection installed and their LT pole numbers?



- Whether uniform distance of LT 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 complainant?
- C. There was a misapplication of Regulation 24 of DERC's Supply Code, 2017, which states that the applicable charges for pole shifting and electric lines are to be borne by the consumer/Appellant. The fact is that the Discom installed the pole, in question, at a horizontal distance of 0.71 meters instead of 1.2 meters, as defined in the Regulations, in front of the premises long ago. Therefore, the entire shifting cost to be borne by the Discom.
- D. The Discom did not comply with the CGRF's order dated 31.07.2025, and has not provided the new revised estimate for pole shifting till 14.08.2025.
- E. The Appellant placed a map along with various queries and submitted that the Discom has not provided satisfactory answers to these queries.
8. The Appellant has requested the following relief:
- I. To direct the Discom to bear the 100% shifting cost and obtain permission from the MCD.
 - II. To direct the Discom to address and resolve the complaint in accordance with the government guidelines relating to "Safety, privacy and public interest concerns".
 - III. To award compensation for undue harassment caused to him.
 - IV. To impose a penalty on the Discom for violating the "Mandatory Safety Clearance under CEA Regulations", violating principles of natural justice, etc.

9. The Discom, in its written submissions dated 29.09.2025, reiterated the facts as placed before the CGRF-TPDDL. In addition, the Discom submitted that to relocate the one pole in front of the building, two more poles need to be re-located. Therefore, the Discom requested that the cost of shifting/alignment of all the three poles be borne by the Appellant.

10. The appeal was admitted and fixed for hearing on 07.11.2025. During the hearing, the Appellant was present along with Shri Sumit Kumar Roy and the Respondent was present through their representatives. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by Ombudsman, Advisor and Secretary, to elicit more information on the issue.



11. During the hearing, the Appellant reiterated the submissions and requested as mentioned in the appeal. He asserted that all sincere efforts made for shifting of alleged pole had gone in vain. However, when the matter escalated before the CGRF, the Respondent cleared the technical feasibility of shifting of the pole in question, at 1.5 feet towards the roadside but on the condition that shifting charges should be borne by the Appellant. In response to a query by the Ombudsman whether the electricity pole, in question, was installed before plotting in the area/construction of premises or after that, the Appellant asserted that the area was already electrified when he purchased the plot/premises in 2018 through General Power of Attorney (GPA). However, the pole was probably installed in 2007. When further asked about demarcation of the plot showing the East, West, North & South of the plot, he stated that the pole was installed on 20 feet wide road opposite his house and the details of the boundary of his house have already been mentioned in the GPA. He admitted the fact that the area falls under unauthorized colony which is yet to be regularized. He denied any objection raised earlier about non-adherence to the electricity norms of Electrification by the Discom. He further asserted that at the time of erection of the electricity pole, in question, the minimum horizontal clearance 1.2 meters between the property and the pole was not maintained in accordance with CEA Safety Regulation. Besides that, the Appellant showed coloured photographs of the site, highlighting High Tension (HT) pole for 11 KV line & LT pole for 0.4 KV distribution network, in support of his assertion of violation of safety parameters.

In response to further a query as to whether revised demand note, in compliance with CGRF's order, has been received by the Appellant, he presented a demand note dated 17.10.2025 (due date 04.11.2025) of Rs.37,086/-, which needs to be reviewed, as outlined above. The demand note was taken on record. However, delay in issuing of revised demand note was observed by the Ombudsman.

12. In rebuttal, Respondent stated that the area was electrified between 2005-2007 and after that plot cutting was carried out. Respondent denied, in response to a query by the Ombudsman regarding serving of any notice to colonizers / buyers to keep house at a distance of 1.2 metre horizontal & 1.8 metre Vertical from the electricity lines, when plotting was carried out, in the light of safety regulations. Moreover, the Ombudsman highlighted the photographs which establish that there are encroachments by the neighbour and other houses in the vicinity, in the shape of extended balcony. When asked whether any notice for unauthorized encroachment was served to the individuals, the Respondent submitted that the notices have already been served to the individuals/violators. Moreover, the Advisor (Engineering) asked the Respondent, (i) what is the distance between both the HT pole & the LT poles at the same place in consideration, the answer was approximately 1.75



meters. (ii) Which pole, HT pole or LT pole is towards road side, the answer was HT pole. (iii) Will shifting of pole at 1.5 feet towards the road impact any traffic movement, the answer was in negative.

13. After going through the appeal, the written statement and on the basis of arguments those ensued during the hearing on the issue, the following facts emerge:

- (a) Perusal of the available photographs confirms that the electrical pole is situated near the building in question and apparently violating the horizontal safety norms, i.e. 1.2-meter distance.
- (b) The guidelines laid down in Regulations 60 (2)(iv) & 61(3) of the 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 a horizontal distance of 1.2 meters from the nearest point.
- (c) According to Regulation 24 of DERC's Supply Code, 2017, the procedure for shifting electric lines or plants is specified, and there is no provision for shifting the network without remitting the applicable charges in compliance with the CEA guidelines. Consequently, either land-owning agencies or developers/colonizers or landowners must pay the applicable charges, except the damaged pole or network, to ensure the safety of human beings.
- (d) It is evident that the Discom has electrified area in the year 2005-2007, and the Appellant got electricity connection in 2018, which establishes that the Discom had electrified the area before this period. The Appellant has no material evidence to substantiate his claims of error by the Discom in electrification.
- (e) The appellant has never earlier raised any safety concern, when he purchased property or obtained electricity connection about laying of distribution network without following electricity norms/CEA 2010/CEA 2023 by the Discom before this request and raised safety concerns while planning to reconstruct the house.
- (f) Both the poles (HT & LT) are running in parallel to each other on the same side of 20 feet wide road towards appellant's house in which LT poles are on the inner side towards the Appellant's house & HT poles are on outer side toward the road.
- (g) Discom has provided technical feasibility for pole shifting 1.5 feet towards the road.



(h) Discom has already issued demand-note amounting to Rs. 37,086/- for one pole shifting inclusive CGST.

14. In the light of the above, this court directs as under:

- (i) The Appellant will make the payment of Demand Note (DN) already issued to him, within 7 (seven) days of this order.
- (ii) Respondent will arrange Road Cutting Permission (RCP) from the land owning agency on behalf of the Appellant.
- (iii) Respondent will raise additional demand note amount towards RCP raised by road owning agency, which Appellant will pay within seven days of receipt of DN.
- (iv) Respondent will shift the Pole No. (513-3/37/12/1/10) towards one corner of the plot of the appellant and 1.5 feet towards roadside in alignment with two other poles along with distribution network.
- (v) Respondent will submit action taken report regarding (a) accessibility notices for encroachment by extending balconies and (b) compliance report after shifting of pole within 45 days of the order.

15. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
10.11.2025