

OFFICE OF THE 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/2011/413

Appeal dated 04.02.2011 against Order dated 22.11.2010 passed by CGRF-BRPL in case no. CG-206/2009.

In the matter of:

Shri Raghuveer Singh Pawar - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Shri Raghuveer Singh Pawar was present alongwith his Counsel Shri Rohit Sharma

Respondent Shri Bipin Kumar, DGM, Palam was attended on behalf of BRPL, Respondent No.1

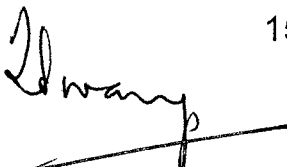
No one was attend on behalf of the Shri Sudhir Sharma, Respondent No.2

Date of Hearing : 17.02.2011

Date of Order : 28.02.2011

ORDER NO.: OMBUDSMAN/2011/6/413

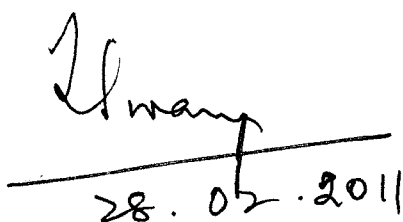
1.0 The Appellant, Shri Raghuveer Singh Pawar, has filed this appeal against the order of the CGRF-BRPL dated 22.11.2010 in CG-206/2009. He has stated that the CGRF has passed the above order without giving him an opportunity of being heard. Meanwhile he has also prayed for maintaining status-quo in respect of the location of electric pole number 153, installed near his premises in Sagarpur.


28.02.2011

2.0 The brief facts of the case as per the records and averments of the parties are as under:

- a) The electric pole number 153 installed near the premises No. RZ-7D, Gali No. 5, Sagarpur, Delhi-110045 was damaged some time back. The Respondent No.1, BSES-BRPL, had to install a new pole for the existing LT line. However, the new pole was not installed near the earlier location of the pole. The new pole number 153, was installed at a new site about 15 feet away from the earlier location, considering the technical feasibility, and the right of way for the residents of the houses on the streets.
- b) Respondent No.2, Subedar Major Sudhir Sharma, filed a complaint before the CGRF-BRPL, alleging that the new pole number 153 was installed in front of his house, causing inconvenience to his family. He, therefore, requested for shifting of the electric pole No. 153 to its earlier location near the premises No. RZ-7D, Gali No.5, Sagarpur, Delhi 110045.
- c) The CGRF, after considering the records and averments of the parties, vide its order No. CG-206/2009 dated 22.11.2010 directed the BRPL that the pole number 153 be removed from its new location and shifted back to its original site.

3.0 The Appellant, aggrieved by the aforesaid order of the CGRF-BRPL, has filed this appeal dated 04.02.2011. He has


28.02.2011

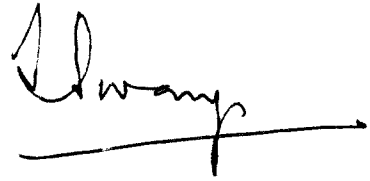
stated in his appeal that the aforesaid order of the CGRF-BRPL was passed without giving him an opportunity of being heard, despite the fact that he was the affected party. The change in location of the electric pole number 153 as per the aforesaid order of the CGRF would prejudicially affect his passage to his premises RZ-7D, Gali No. 5, Sagarpur, Delhi 110045. He has therefore, prayed for setting aside the aforesaid order of the CGRF and meanwhile for maintaining status-quo, till the matter is decided.

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- 3.1 A preliminary hearing was fixed on 17.02.2011. After scrutiny of the documents, notices were issued to all the affected parties.
- 3.2 On 17.02.2011, the Appellant was present alongwith his counsel Shri Rohit Sharma. Respondent No. 1 was present through Shri Bipin Kumar (DGM Palam). No one was present on behalf of the Respondent No.2 Shri Sudhir Sharma.

The application for staying the CGRF's order dated 22.11.2010 was taken up. Respondent No. 1 stated that the electricity wires from the new pole number 153, had already been shifted as per the CGRF order to the old pole after necessary repairs. Though the new pole 153 was still there at the site, the electricity line had been shifted to the old pole.

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- 4.0 It was noted that the aforesaid order of the CGRF-BRPL dated 22.11.20100 had been complied with already by the Discom. Therefore, the prayer for stay had become

infructuous. However, in the interest of natural justice, it is felt that, Shri Raghubeer Singh Pawar the Appellant, being one of the affected parties should have been given an opportunity of being heard in the matter by the CGRF. As such, the case is remanded back to the CGRF-BRPL with the direction to hear all the affected parties, including the Appellant Shri Raghuvveer Singh Pawar, before passing a final order on merit regarding the location of pole no. 153. The appeal is accordingly disposed of.



(SUMAN SWARUP)
OMBUDSMAN

28th February 2011