

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

(PhoneNo.: 011-26144979)

Appeal No. 46/2023

(Against the CGRF-TPDDL's order dated 10.10.2023 in C.G No. 77/2023)

IN THE MATTER OF

Shri Akash Rana

Vs.

Tata Power Delhi Distribution Limited

Present:

Appellant: Shri Akash Rana along with her mother Smt. Rajesh Kumari

Respondent: Shri Ajay Joshi, AGM (Legal), Shri Saurav Sharma, Sr. Executive
and Shri Amit Sharma, Asst. Manager on behalf of the TPDDL

Date of Hearing: 14.12.2023

Date of Order: 15.12.2023

ORDER

1. Appeal No. 46/2023 has been filed by Shri Akash Rana, R/o, Plot No. 17, 18 & 19, Third Floor (Front Right Portion), B- Block, Vijay Vihar, Phase – 1, Delhi, against the order dated 10.10.2023 passed by the Consumer Grievance Redressal Forum (CGRF) –Tata Power Delhi Distribution Ltd. (TPDDL) in CG No. 77/2023.

2. The brief of the case is that the Appellant had applied for domestic electricity connections at the third floor of the above mentioned premises vide Request No. 2034542234 dated 01.07.2023, which was rejected by the Respondent (Discom) vide their letter dated 11.07.2023, on the safety grounds, as the required safety clearance of 1.2 meters from Discom's network is not available due to construction on the premises. The Discom also stated that as per the site visit report dated 04.07.2023, 'bare network' is encroached by the balcony/chajja of the applied premises and is in the vicinity of the Discom's network, so the whole building is considered unsafe and connection cannot be released at any floor on account of safety concern. The Discom also requested to the Appellant to remove unauthorized construction to



ensure safe clearance from the TPDDL's network. When the Appellant did not succeed in getting the new connection, he filed a complaint before the CGRF on 12.07.2023, mentioning that the Discom had rejected his application due to TPDDL's network touching the first floor of the building. Whereas, he has applied electricity connection for the third floor and requested to the Forum for release of the connection.

3. However, the Discom before the Forum submitted that General Power of Attorney provided by the Appellant with the application form for a new connection clearly shows that the entire premises, measuring 350 sq. yd., out of Khasra No. 77/7/8, is in his possession and he is the owner of the property. Thus, applying for a new connection for the third floor is an attempt to get the new connection to evade the process. In this regard, Discom referred to Clause 11(2)(IV) of DERC's Supply Code, 2017, which provides that *"the Licensee shall not sanction the load, if upon inspection, the Licensee finds the energization would be violation of any provisions of Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under way of their regulations or orders"* and Clause 60(2)(i)(b) of the Central Electricity Act (measures relating to Safety and Electric Supply) Regulations, 2010, requires *"Clearance from buildings of lines of voltage and service lines not exceeding 650 volts."* The Discom also relied upon on the order dated 22.06.2018 passed by the then Ombudsman in Appeal No. 16/2018 (Smt. Soni Devi vs. TPDDL) on the same matter. In this regard, Discom apprised the Forum that a notice for unauthorized construction has already been issued to the Appellant.

Subsequently, Appellant requested the Forum that the connection be released and he is ready to bear the cost of shifting the network. Accordingly, the Discom filed an estimate of Rs.4,10,072/- for the shifting of the pole/LT network, but the Appellant refused to accept it, being on a very higher side and requested to revise the estimate.

Subsequently, the Discom submitted that there is only one possibility for getting the desired connection i.e. conversion of lines from bare conductor to ABC network, for which the Appellant has to bear the cost of its shifting, as per Regulation, 24 of the DERC (Supply Code and Performance Standards) Regulations, 2017.

4. The CGRF-TPDDL in its order dated 10.10.2023 observed that it is clearly established that the complainant's premises violate the minimum prescribed safety clearance as per Clause 60 (Clearance from buildings of lines of voltage and service lines not exceeding 650 volts). Against background of this unambiguous technical opinion tendered by qualified professionals, there is no way in which the request of the applicant for connection can be acceded to.



CGRF further opined that since the LT bare conductor is passing through the balcony of the first floor of the applied premises and is dangerous to the inhabitants, an appropriate action may be taken by the Respondent to make it hazard-free and safe to avoid any mishaps. Also, the Respondent should address such types of encroachment issues timely with the concerned authorities.

5. Aggrieved by the order dated 10.10.2023 passed by the CGRF, the Appellant preferred this appeal with a request to re-assess the final cost of Rs.4,10,072/- submitted before the Forum, for shifting of the Pole/LT network, taking into account his financial capability, and adhere to a transparent and justifiable estimate/price.

6. The Respondent in its written submissions dated 14.11.2023 to the appeal stated that the Appellant had argued to pay the charges for the re-location of the LT electricity line to get the connection. Consequently, on the direction of the Forum, they submitted an estimate of Rs. 4,10,072/- for the shifting of TPDDL net work. It is wrong to state that disproportionate cost was submitted for the shifting of LT electricity lines/networks. Whereas, the right course for the Forum was to pass the necessary directions for the removal/demolition of the extended portion of the premises, to maintain a safe distance from the LT electricity lines because safety issues were created by the Appellant himself by extending the portion of the premises.

7. The appeal was admitted and taken up for hearing on 14.12.2023. During the hearing, the Appellant was present, in person, and the Respondent was represented by its authorized representatives. An opportunity was given to both to plead their respective cases at length.

8. During the course of hearing, in response to a query whether the premises was constructed before laying of cables or after it, the Appellant stated that the HT line was passing near his old premises, which was constructed on inherited agricultural land. There were already two connections (1 - domestic & 1 -non-domestic) existing, which were surrendered for reconstruction of the premises and a temporary connection was obtained. Upon construction of new building, he had applied for a new permanent connection in July, 2022, the same was rejected by the Discom on the ground that bare network is encroached by balcony/ chajja of the applied premises. The Appellant again applied for a new permanent connection on 01.07.2023. However, the Appellant admitted the fact of extended construction in the form of balcony and presently applied premises has a temporary connection. In response to the query whether the Appellant received any notice for unauthorized construction from the Sub Divisional Magistrate (SDM), the Appellant submitted that though he had applied for requisite connection since July, 2022, no notice was



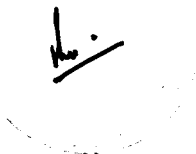
received. Only after filing the complaint before the CGRF, a notice dated 18.08.2023 for unauthorized construction was pasted on his wall by the Respondent, during the pendency of the matter before the CGRF. The Appellant also submitted that he had already applied for shifting of HT Line vide Shift Request Notification No.2031729609, vide letter dated 27.09.2022 but in vain. The issue of HT line shifting was also earlier taken up by him through e-mail during the year 2020.

9. In rebuttal, Respondent reiterated its justification as before the CGRF and written statement in this office. When asked, what action had been taken by the Respondent on rejection of his initial application in July, 2022, due to unauthorized construction in form of extended balcony in violation of safety norms, Respondent drew the attention to a notice issued in August, 2023, without explaining as to why there was a delay of more than one-year for issuing the Notice in August, 2023 for unauthorized construction. The Respondent also could not give any satisfactory response to the submissions by the Appellant about request for shifting of HT line made by him during the year 2020 subsequently in 2022. During the discussion, it also emerged that O&M Department, conducts patrolling/inspections of such areas regularly where the network of the Respondent/Licensee could cause hazard/danger to the persons/property of the public. Yet there was no action initiated by the Discom/Licensee.

The issue of safety parameters was also discussed, in detail. For examining the technical feasibility, the Officer of Respondent was directed to come with site Lay-out Plan. The same was taken on record. On the basis of elaborate discussion with Advisor (Engineering) on the plan along with Safety Guidelines contained in Regulation 60 (3) of Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010, a feasibility plan was worked out, in consultation with the technical officer from the Discom present.

10. It is relevant to mention here that as per Central Electricity Authority (Measures Relating to Safety & Electric Supply), Regulations, 2010 – Rule 60(3), *Any conductor so situated as to have a clearance less than that specified in 60(1) & (2), shall be adequately insulated and shall be attached at suitable intervals to a bare earthed wire having a breaking strength of not less than 350 kg.*

11. This Court has gone through the appeal, written submission and heard both the parties. The relevant provisions of CEA and the Regulation were also perused very minutely. It is a fact that extension of the premises in question has encroached upon the bare network and it is also a fact that the issue was brought to the notice of the Respondent in the year 2020 by the Appellant and later by the Field Officer in the year 2022. Despite the fact that it was hazardous to have bare conductor passing



near the Appellant's premises, no action, whatsoever was taken by the Respondent. Respondent only reacted when the matter was brought before the CGRF and that too in a very lackadaisical manner. There is a very clear direction in the CEA's Section 60(3) to the Licensee and also by the Apex Court in terms of strict liability in case of any accident, the Respondent didn't take any corrective action for three years and more.

12. In view of the above discussion, the Court directs as under:

(i) Bare conductor should be replaced with AB Cable starting from Pole No.561-45/15 to Pole No. 561-45/23, in 8 span as submitted and shown on map by Respondent during the hearing.


(ii) Appellant will bear the cost of estimate on pro-rata basis of 3 span of length, from Pole No. 561-45/20 to Pole No. 561-45/23 opposite his house, which amounts to Rs.1,50,000/- (approx.), and demand-note be issued accordingly.

(iii) In compliance with the requirements of Regulation 60(3) of CEA Regulations, 2010, referred to in the preceding para, the Discom may undertake a review of the entire area and also lay down a schedule for inspection and corrective action in all areas within its jurisdiction.

(iv) Necessary follow-up in respect of the show-cause notice issued to the Appellant be taken on priority basis for bringing the matter to a logical conclusion.

(v) Action taken report along with date of meter energization be submitted to this office by 05.01.2024.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
15.12.2023