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**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/2014/614**

Appeal against the Order dated 02.01.2014 passed by CGRF–BYPL in Complainant No.185/07/13.

In the matter of:

Shri Deepak Saran - Appellant

Versus

BSES Yamuna Power Ltd. - Respondent

Appellant: Shri Deepak Saran was present in person alongwith authorized representative, Shri O. P. Ahuja.

Respondent: Shri Rajiv Paliwal (DGM – O & M), Ms. Kashmi Gupta (AM – Legal), Shri Raghvender Sharma (AFO) and Shri Tarun Kumar (Legal Retainer) were attended on behalf of the BYPL.

Date of Hearing: 28.10.2014, 12.11.2014

Date of Order : 01.12.2014

**ORDER NO. OMBUDSMAN/2014/614**

This is an appeal filed by Shri Deepak Saran arising out of an order of the CGRF dated 02.01.2014 directing the BYPL (DISCOM) to shift a pole outside the house of the appellant at 37, Chitra Vihar, Vikas Marg, Delhi –

admitted that the respondent had sent an estimate of Rs.19,126/- which he could not be pay because of financial constraints. Further, the shifting by 2 feet would not be adequate as the pole carries more than 15 lines for temporary as well as permanent connections attending to which would continue to cause him disturbance and loss of privacy apart from the potential danger from any fire and electrical hazards. He contended that the pole should be shifted close to the common boundary wall of the adjoining house to avoid the above problems. There are some more houses under construction in the neighborhood and more service lines are likely to be laid in the near future resulting in further jumbling of service lines at the top of pole in question.

This appears to be a matter where consent of both parties was available but could not be finalized due to cost etc.. The Advisor (Engg.) in this office was asked to call a meeting to consider all technical issues and try to resolve the matter. This was in May, 2014. A few meetings were held and even a joint inspection was carried out and there appeared to be an agreement on both sides. Afterwards the DISCOM sent a demand note of Rs.4.72 lakhs which appeared exorbitant and not commensurate with the work of shifting of one pole. It appears that apart from asking the appellant to deposit the said amount there were a lot of riders that had been attached stating that NOC from various government/private agencies will have to be obtained for the work which could further delay matters. This high estimate was indicated to the Advisor (Engg.) in this office in mid September, 2014 after a delay of three months. Another meeting was fixed to clarify matters but no details of the estimate of Rs.4.72 lakhs for shifting of pole were given. After further postponement, the meeting was held on 24.09.2014 but no final decision could be arrived at as the person

In the hearing held on 28.10.2014, the issue which the DISCOM was asked to clarify, whether an individual resident can be asked to pay for moving a pole outside his premises when normally such poles, servicing multiple connections, should not be placed in inconvenient locations in any planned colony such as this colony. As planned colonies develop their infrastructure, it is often the case that the initial infrastructure for electricity, including poles, often have to be shifted from time to time till the final distribution infrastructure is achieved. The overall expenditure on upgrading infrastructure in planned colonies is expected to be added up by the DISCOM and made part of its ARR (Annual Revenue Requirement) which is presented to the DERC for fixation of tariff based on both fixed costs incurred in upgrading infrastructure and the variable cost involved in buying and selling power. It is not understood why an individual, who normally expects not to have such visible infrastructure in close proximity of his premises is being asked to pay for the shifting especially when multiple connections are being serviced from the pole in question. The DISCOM was asked to submit a **detailed note** on how such a situation arose in the present case viz. Chitra Vihar, Vikas Marg, Delhi – 110092 and the case was fixed for further hearing on 12.11.2014.

In the hearing held on 12.11.2014, the DISCOM did not submit the required detailed note as sought last time. It appears the DISCOM does not wish to discuss the general issue of upgradation of electricity infrastructure in planned colonies as it may undermine their case of asking Shri Deepak Saran to pay costs in this case. The issue is lingering on since May, 2014 when the Advisor (Engg.) in this office tried to resolve the issue. The consumer has been

pay for such shifting. The CGRF had noted Shri Deepak Saran's offer to pay for the shifting of the pole by 2 feet but the DISCOM need not have sent him an estimate of Rs.19,162/- to begin with. This was later enhanced to Rs.4.72 lakhs and the matter was delayed for too long. The photographs of the location were seen to understand the issue and it was clear that the pole cannot continue to be at its present location and should be shifted towards the common boundary of the two properties so as to be on one side.

It is, therefore, ordered that the DISCOM should shift the pole to the common boundary of the two properties without seeking any cost from Shri Deepak Saran, even though he was initially willing to pay a lower amount, and to recover this expenditure through their overall recovery of capital costs through the tariff fixation exercise carried out by the DERC. The offer of the complainant to pay, at the initial stage, goes to his credit and shows his desperation to get the pole shifted but is now irrelevant as the cost has gone up many times and each individual should not be asked to pay for upgrading common infrastructure in the colony. The pole in question services multiple connections and it would be unfair to burden one individual with the overall cost. It is standard practice in all States and by all Electricity Boards/DISCOMs to pay for upgradation/improvement of infrastructure through capital expenditure and not through such deposit works

The appeal is accepted and the DISCOM is directed to take action within 21 days to initiate the process of the shifting of the pole and to carry out the complete exercise within two months thereafter.