

**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)

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**Appeal No. 677/2015**

**IN THE MATTER OF:**

Shri Rajender Singh Solanky - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

(Appeal against Order dated 08.12.2014 passed by CGRF-TPDDL in CG.No.6179/09/14/MGP)

**Present:-**

**Appellant:** Shri Rajender Singh Solanky was present in person alongwith Shri Shiv Narayan.

**Respondent:** Shri Vivek Singh, Sr. Manager (Legal), Shri Manoj Kumar (A.G.M.) & Shri Jaipal Lakra (Sr. Manager) attended on behalf of the TPDDL.

**Date of Hearing :** 11.02.2015, 24.03.2015 & 12.08.2015

**Date of Order :** 26.08.2015

**ORDER**

This is an appeal filed by Shri Rajender Singh Solanky, R/o Plot No.1350, Kh. No.68/9, Krishan Vihar, Lakhi Ram Chowk, Delhi – 110086, against the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited (CGRF – TPDDL) order dated 08.12.2014 in which his request for shifting of transformer from near his boundary wall has been declined on the ground of non-availability of space in the narrow lane concerned. However, the respondent was asked to ensure that proper electrical clearance between

building and transformer is available at the present location and pole, if required, be shifted at DISCOM cost within one month.

Dissatisfied with the order of the CGRF, he approached this office stating that inspite of showing photographs of the site and after site inspection, the CGRF did not accept his plea. So he has requested for shifting of alleged transformer.

A hearing was held on 11.02.2015 where the DISCOM wanted time to find a feasible solution after contacting the residents of the area. Accordingly, the request of the DISCOM was acceded to and they were asked to report by 28.02.2015.

In their reply of 03.03.2015, the DISCOM submitted that they have explored the possibility of shifting of HT (High Tension) poles and have found two options. In both the options, shifting of DT (Distribution Transformer) from pole to some other location was either not technically feasible due to less width of the street or due to the requirement of necessary electrical clearance, as per regulations of Central Electricity Authority (CEA), 2010.

Accordingly, the matter was reheard on 24.03.2015 when it was noted that the DISCOM's view concerning compliance of CEA Regulations being followed appears to be correct. However, the DISCOM was asked to inform by 15.04.2015 about technical solutions they could find which does not involve harm to the complainant and he is able to carry out repair/maintenance of his property.

In response to this, DISCOM vide their reply dated 16.04.2015 submitted that work of repair/maintenance and proper fencing of the transformer has already been initiated. The LT (Low Tension) cables on the DP (double pole)

structure would be properly dressed and LT breaker would be replaced with the latest one which is to be flat from all side with proper locking arrangement. An action taken report would be submitted after completion of the said work which was likely to take about 30 days from the said date.

However, later on, the DISCOM vide their letter dated 08.06.2015, while submitting the status report of the action taken report, stated that during execution of the work they have experienced resistance from the appellant/consumer. The appellant wants to raise the boundary wall vertically by excavating the existing wall from below the ground level which can cause damage to the existing DP structure. If the wall is raised vertically, the transformer LT bushing cover box will come in the way of the construction required to be done. Since it is not at present feasible for the DISCOM to alter the location of the transformer, therefore, this work cannot be carried out. Moreover, they stated that in the absence of any support from the appellant's end, the work could not be completed by them. As it was not clear what further support the DISCOM required from the consumer to sort out the issue, a joint meeting was held on 25.06.2015 in the chamber of Secretary, O/o the Ombudsman. The meeting remained inconclusive in view of the fact that the appellant was not satisfied with the solution being presented by the DISCOM. Rather than complying with the order of the CGRF they have stated that the feasibility of moving poles from the present location towards the road is not possible.

To finalize the issue, a hearing was again held on 12.08.2015 where the DISCOM changed their original stand by stating that it could not implement the order of the CGRF as there are many other cases of a similar nature in the same locality. This is an unauthorized colony and there is no clear demarcated area for laying/providing of services. Nor are there clear instructions/policy on

such issues. To resolve all such similar requests, a consolidated policy would be required to be framed by Delhi Government/DERC.

Otherwise, no further construction would be possible as electricity infrastructure would come in the way. The stand now taken by the DISCOM, on their inability to shift the poles, is different from what they were taking in their earlier hearings/submissions when they agreed to carry out the shifting. This change has resulted in unnecessary delay in resolving the complainant's case which is about eight months.

On going through the details, it is observed that it is a fact that the location falls in the unauthorized colony/area. There being no clear cut demarcation/policy as far as laying of the services in such areas, the plea of the DISCOM is accepted to that extent that in the absence of a clear cut policy it is not feasible to shift the pole. However, having made the complainant wait for about eight months for complying with the CGRF order and then changing their stand in their written replies filed in January, 2015 and April, 2015 amounts to harassment. Accordingly, a compensation of Rs.10,000/- is awarded to the appellant and the DISCOM is asked to propose a draft policy in such matters and finalise it through the authorized agencies/government.

The appeal is, therefore, disposed off as above.

  
(PRADEEP SINGH)  
Ombudsman

  
August, 2015