

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-cum-Fax No.: 011-26141205)

Appeal No. 16/2018

IN THE MATTER OF:

Smt Soni Devi - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 16.11.2017 passed by CGRF- TPDDL in CG No.
7721/07/17/SMB)

Present:

Appellant: Shri Vijay Kumar and Shri Suresh Kumar, Advocates and Smt. Soni Devi, Appellant

Respondent: Shri Harshendu Kumar, Senior Manager (Legal) on behalf of TPDDL

Date of Hearing: 20.06.2018


Date of Order: 22.06.2018

ORDER

1. This appeal has been filed by Smt. Soni Devi, w/o Late Shri Surender Chaudhary r/o H-855, Ground Floor, Gali No. 21/6, B- Block, Sant Nagar, Bangali Colony, Burari, Delhi- 110084, against the verdict of the Consumer Grievance Redressal Forum-Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) cited above.

2. The background of the case relates to a denial of her application for a new connection by the Discom (Respondent) on the ground that the Appellant's premises lies in very close proximity to a 220 KV EHV line (belonging to Transco) which passes overhead. The Appellant's contention is that her structure is not in such close proximity as claimed by the Discom, that she has undertaken not to construct her premises higher than the present structure and that both her neighbours enjoy connections while she is being denied one. The CGRF, however, did not uphold her position on technical grounds, hence this appeal.

3. The Discom's response is that the Appellant's premises indeed lies in very close proximity to the EHV line with a vertical clearance of about 4 meters and a horizontal clearance of practically zero. Construction under these lines is not permitted by law with minimum safety clearances/distances prescribed by Rule 80 of the Electricity Rules, 1956 read with Clause 61(1) of the CEA's Regulations of 2010 pertaining to safety measures not being met in this case. Accordingly, her requests for a new connection had been rejected earlier on two occasions in 2013 and July, 2017. The Discom has also drawn attention to a public notice issued on 15.05.2016 in the interests of public safety by the Department of Power, Govt. of NCT Delhi, in which minimum distance requirements from high voltage lines have been reiterated along with a warning that unauthorised constructions in the vicinity of such lines are illegal and could attract legal action.




4. I have heard both parties and considered the material on record. The Appellant has reiterated her argument that she has been denied a connection while her neighbours are enjoying electricity through their own connections, saying that she is entitled to it as the basic necessity of life. She has also disputed the Discom's contention that minimum safety requirements are in violation, arguing that the 220 KV line passes over the second house from her residence and, therefore, lies at a horizontal distance of 10-15 feet away. The Discom, for its part, has pointed out that the Appellant's application cannot be acceded to in terms of Clause 61(1) of the CEA's Regulations cited above which explicitly states that an overhead line shall not cross over an existing building as far as possible and that no building shall be constructed under an existing overhead line.

5. I find that three separate site inspections have been carried out on the directions of the CGRF in July, October and November, 2017 to establish whether the Appellant's premises violate the minimum prescribed safety distances. The site inspection reports provided by the Discom's engineers clearly indicate that safety distance parameters are not being met in the present case. Against the background of this unambiguous technical opinion tendered by qualified professionals, there is no way in which the request of the Appellant for a connection can be accommodated. To paraphrase a verdict delivered in an identical case from the same area in July, 2017 (Appeal No. 788/2017), it would be foolhardy to overrule this professional opinion and grant a connection given the serious public safety implications which any such ruling would have. The plight the Appellant is in with no electricity is understandable but, unfortunately, no relief can be afforded by the Ombudsman. Laws legislated in the interests of public safety cannot be violated, diluted or subordinated to accommodate individual requirements, no matter how deserving the case may appear to be. The Appellant's undertaking that she will not build her premises higher than the existing structure and that she has blocked access to her roof carries no legal weight and cannot be used to dilute a safety provision specifically contained in law.

6. Regarding the Appellant's argument as to how she could be denied a connection when other premises in her locality in a similar situation enjoy it, the Discom has clarified that there are many other buildings in this unauthorized colony which are also in violation of safety distance norms but which had been granted connections many years earlier. No new connections in this area had been granted since 2014 with strict enforcement of safety rules and regulations. The Discom has produced copies of notices issued by Delhi Transco Ltd. to consumers whose properties are in violation of safety distance requirements in support of their contention that actions have been initiated against other violators.

Given the above exposition, no interference with the verdict of the CGRF is possible and the appeal is hereby disallowed on grounds of safety considerations.


(Sundaram Krishna)
Ombudsman
22.06.2018
