

BEFORE THE ELECTRICITY OMBUDSMAN

For the State of Goa and Union Territories (Except Delhi)
3rd Floor, Plot No. 55-56, UdyogVihar - Phase IV, Sector 18,
Gurugram (Haryana) 122015,
Phone No.:0124-4684708, Email ID: ombudsmanjerc@gmail.com

Appeal No.114 of 2019

Date of Hearing: 15.11.2019 at Puducherry

Thiru J. Mohan
S/o Jagadeesan, No.1,
Mariamman Koil Street, Muthupillai Palayam,
Reddiarpalayam Post, Puducherry 605010

....Appellant

Versus

The Superintending Engineer-cum-Head of Department
Electricity Department, Puducherry
137, Nethaji Subhash Chandra Bose Salai,
Puducherry 605001
and others

....Respondent

Parties present:

Appellant

Thiru J. Mohan
S/o Jagadeesan, No.1,
Mariamman Koil Street, Muthupillai Palayam,
Reddiarpalayam Post, Puducherry 605010



Respondent(s) The Executive Engineer
Rural (North) O&M
Electricity Department, Puducherry

The Assistant Engineer-Boomianpet,
Electricity Department, Puducherry

The Junior Engineer, Boomianpet
Electricity Department, Puducherry

Date of Order: 26.11.2019

The Appellant has preferred an Appeal against order CC. No.28/2019 dated 10.07.2019 of the Consumer Grievances Redressal Forum, Puducherry. The Appeal was admitted on 06.09.2019, as appeal No.114 of 2019. Copy of the same as received was forwarded to the respondents with a direction to submit their reply/ counter statement on each of the points.

Settlement by Agreement

Both the parties appeared before the Electricity Ombudsman as scheduled on 15.11.2019 at Puducherry and were heard. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement mutually agreeable could be reached. The hearing therefore, continued to provide reasonable opportunity to both the parties to put forth their pleading on the matter.



(A) **Submissions by the Appellant:**

1. My most respectful and humble submission before the Ombudsman is that my plot No.132. With only one way in and out to the extent of 20 feet of which an extent of 10 feet has been obstructed by the erecting of Transformer in the front side of my plot.
2. Whereas, from the argument of the Assistant Engineer it was said that only to an extent of 5 feet is occupied for erection of Transformer. But it is false an extent of 5 feet is occupied by the two cement posts and its projections and stay wire occupy another 5 feet more. Totally to an extent of 10 feet of my way is obstructed by the Electricity Department. Further the influence of the electric power will be beyond 10 feet.
3. It is very unsafe of my life threatening. Hence, we can't make any movement into my plot for construction work without fear, living with my family and children in such circumstances will permanently affect my peaceful life.
4. There are other common places available which are well away from the residence where no one will be troubled/ affected. But inspite of other available sites for erecting transformer in front of my plot which has no other way in and out in injustice done to me. Hence, I am so worried and feel very unsecure to start construction in my plot.
5. Further, I also bring to your kind notice that, in order to favour someone, the Assistant Engineer has purposefully diverted the actual



path of the H.T. line across the existing busy road and erected the transformer in front of my plot.

6. I have enclosed herewith the map of the other alternative site for the erection of transformer for your kind consideration.
7. Besides, I also bring to your kind notice that the exact location occupied by the erected transformer posts in front of my plot is actually the irrigation canal with an extent of 6.4 meter (18 feet). I have enclosed F.M.B. copy in support of this for perusal and kind consideration.
8. As this transformer is erected on the irrigation canal there will be definite water logging and soil erosion during monsoons. Due to which the transformer will lose stability and it would be fall on my house in future.

(B) **Submissions by the Respondents :**

1. The respondents submitted that Muthupillaipalayam area of Oulgaret under the jurisdiction of Boomianpet O&M of Rural North division of Electricity Department, Puducherry. Due to growth of load, existing capacity of distribution transformer has reached more than he 80% of the rated capacity necessitating erection of an additional distribution transformer to cater to new applicants and also for elimination of low voltage complaints during peak summer season.



2. That a scheme was envisaged for erection of an additional Distribution Transformer of 315 KVA capacity at a cost of Rs.11,25,88/- The scheme was got sanctioned vide order No.17/Electricity Department/SE-cum-HOD/18-19 dated 20.07.2018
3. That the work for erection of this Distribution transformer commenced on 05.06.2019 by erecting a Double Pole structure nearer to the vacant plot of the petitioner on the road side. The Double Pole structure is of 10 feet wide. Since DP structure erected in between the plot Number 131 & 132 only 5 feet would be occupied by the DP structure in front of the plot No.132. Necessary photography showing the location is enclosed for ready reference. It is clearly shows that the centre support of the transformer DP (middle of the width of DP) is exactly in alignment with edge of the Plot No.132.
4. That the DP structure is being erected on the government main road it has been ascertained that the horizontal clearance between the DP structure and the edge of the plot 131 & 132 is more than 8 feet thereby satisfying the required statutory clearance.
5. That the apprehension of the petitioner is totally misplaced as the location of the transformer, in no way, hinders the normal life of the public and as well as the petitioner. The Double Pole structure location is selected and erected only at the load centre of that area.



6. That the erection of double pole structure and extension of overhead lines was completed and proposal for energisation of the transformer was sent to the Inspectorate of Central Electricity Authority.
7. That there is no irrigation canal in the above said location and it was entirely extinct.
8. That the transformer was energized on 04.09.19 after completing of all mandatory formalities.
9. That, aggrieved by the department's action, the complainant had filed his objection before the Hon'ble CGRF on 11.06.2019. The complaint was registered as Com. Rec. No.208, Hon'ble CGRF, dt. 11.06.19 as a case No.28/2019.
10. That the department filed a counter affidavit dt. 19.06.19 before the Hon'ble CGRF and hearing was conducted by the Hon'ble CGRF on 02.07.19.
11. That the Hon'ble CGRF has given the order No.269/Hon'ble CGRF/2019, dt. 10.07.19.
12. That relocating the transformer based on the objection of the petitioner is not possible as there is no suitable site at load centre.



(C) CGRF order dated 10.01.2018, preferred for Appeal:

Consumer Grievances Redressal Forum, Puducherry in its order dated 10/07/2019 has decided as under:-

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1. OBSERVATIONS:

The Department/ Licensee (Respondents) have got liberty to locate the place to erect the distribution transformer meant for the public, based on the technical feasibility and also in the interest of public.

2. ORDER:

- a. In view of the observation recorded above, the petition is not allowed.
- b. The complainant is at liberty to prefer an appeal against this Order before the Electricity Ombudsman, for the State of Goa and Union Territories within 60 days from the date of receipt of copy of this Order under intimation to this Forum and the Respondents. ”

(D) Deliberations during hearing at Puducherry:

1. Appellant submission:

- a. The Appellant reiterated his version as submitted in appeal and further submitted written submission reiterating his version.



- b. He further requested that the pole mounted structure should be shifted from his premises as there is irrigation canal and on safety consideration.

2. **Respondent submission:**

- a. The respondent reiterated their version as submitted in reply to the appeal. They further submitted additional details regarding copy of preliminary drawing/ sketch showing adjoining road and applicant's adjacent plot etc. and copy of the letter written to to Electrical Inspector/CEA-Delhi. They reiterated that the DP structure has been installed at Government land and do not interfere with the applicant plot and is completely safe to appellants and public.

(E) **Analysis & Decision:-**

1. I have perused the documents on record and pleadings of the parties. Thiru J. Mohan is said to be the owner of plot No.132-133. Electricity Department, Puducherry has installed a DP structure covering 5 feet adjoining plot No. 132 and 5 feet adjoining plot No.131 belonging to some other third party. There is no DP structure or any Electricity infrastructure, in front of plot No.133, said to be belonging to Thiru J. Mohan.



2. During deliberation it was further brought to the notice by Thiru J. Mohan that some earth pipe has been installed in plot No.132, which is also hindering his safety passage to plot No.132. The respondent submitted that they have installed the earth pipe behind the DP structure which is within the 10 feet area occupied by the DP structure out of which 5 feet is installed in front of plot No.132 and 5 feet in front of plot No.131. They further submitted that horizontal distance of more than 8 feet has been provided between the boundary wall of the plot No.131 and 132 and there is no hindrance. The respondent further submitted that this may be an old earth pipe which shall be relocated or removed as the case may be so that there is no hindrance to plot No.132. The appellant and the respondent have signed the undertaking on the photograph, for relocation of the earth pipe, free of cost, which has been taken in the record file of this office.
3. Respondent further submitted a copy of letter No.1572/ED/AE/BMPT/F.5 /19-20 dated 30.07.2019 vide which they have submitted the case to Electrical Inspector, Central Electricity Authority, New Delhi for clearance of the DP structure for energisation, as required as per the Regulation, 43 and 32 of Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulation 2010. The copy was shown to the appellant in hearing.
4. With regards to allegations of the appellant that there is irrigation canal it has been noticed that the area has been habitable and colonies such



as Radha Nagar, Om Sakthi Nagar, Gana Sambandam Nagar are existing. These areas have proper roads and electricity distribution system has been provided. The applicant has himself admitted that he has constructed a shop on plot No.133 and plan to build residential houses on plot No.132. Many other houses have been constructed near and opposite the plot of the appellant. Therefore, in my opinion there is no merit in his apprehension that the DP structure will lose stability and it would fall on his house in near future due to water logging and soil erosion during monsoon.

DECISION:-

In view of the above:-

1. The order passed by the Hon'ble CGRF, Puducherry is upheld and the appellant appeal is rejected.
2. The respondent should remove the earth pipe free of cost, as per undertaking given, during the course of hearing and relocate/ remove the earth pipe as required so that there is no hindrance for free passage to the appellant in plot No.132 due to this earth pipe.
3. The Transformer/DP structure should not be energised till it is cleared by Electrical Inspector on account of safety considerations, as required



as per Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulation 2010. If the Transformer has been energised earlier, it should be de-energised till the clearance by the Electrical Inspector is granted to the respondents.

The appeal is disposed of accordingly.



(M.P. Singh Wasal)

Electricity Ombudsman

For Goa & UTs (except Delhi)

26.11.2019

