

BEFORE THE ELECTRICITY OMBUDSMAN
(For the State of Goa and Union Territories)
Under Section 42 (6) of the Electricity Act, 2003
3rd Floor, Plot No. 55-56, Udyog Vihar - Phase IV, Sector 18
Gurugram (Haryana) 122015,
, Email ID: ombudsman.jercuts@gov.in
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Appeal No-237 of 2025

Date of Video Conferencing: 21.05.2025

Date of Order: 27th May, 2025.

In the matter of

Smt B Jeralt,
R/o Shore Point, Bambooflat,
South Andaman,
Sri Vijypuram-744107

.... Appellant

Versus

Executive Engineer (HQ),
Marine (Post),
Sri Vajaya Puram-744101

.... Respondent

Parties Present:

Appellant(s)

Smt. B Jeralt W/o S Britten
Mr Shivan S/o Smt B Jeralt.

Respondent(s)

Mrs Madhuri Shukla,
SE, Electricity Department,
Andaman & Nicobar Island.



ORDER

This representation was filed on 15th April, 2025 by Mrs B Jeralt, R/o Shore Point, Bambooflat, South Andaman-744107 under Section 42(6) of the Electricity Act 2003 read with Regulations 35 & 36 of Joint Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Ombudsman) Regulations 2024 against the order dated 24.04.2024 in case No. ANI/CGRF/319/23-24/51 DATED 02.02.2024 passed by the Ld. Consumer Grievance Redressal Forum (CGRF), Andaman & Nicobar Island.

After a thorough examination of the complaint and following due process, an admission notice was issued on 21st April 2025. Along with the admission notice, a copy of the complaint was forwarded to the Respondent, Executive Engineer, Electricity Department, Andaman & Nicobar Island directing him to file a reply to the appeal filed by the appellant Smt. B. Jeralt, vide this office letter dated 21st April 2025.

A. Submission by the Appellant

This Appeal arises due to the continued and willful non-compliance by the Respondent Authority—Electricity Department (ED), A&N Administration—of the directions issued by the Consumer Grievance Redressal Forum (CGRF) vide its Order dated 24.04.2024 in connection with the Appellant's Complaint (R.D. No. 426 dated 02.02.2024).

The Appellant initially approached the Respondent Authority and other concerned officials of the A&N Administration through a representation dated 05.12.2022, bringing to their attention a grave safety hazard caused by a 33KV HT line passing dangerously close over the rooftop of the Appellant's residential premises.

Acting on the said communication, the Respondent erected an H-Pole on a structurally weak (muddy) base in an attempt to elevate the height of the HT line. However, this effort proved wholly inadequate in addressing or mitigating the imminent danger posed to life and property. Aggrieved by the Respondent's perfunctory and lackadaisical response, the Appellant lodged a formal complaint with the Ld. CGRF on 02.02.2024 (R.D. No. 426), invoking Section 42(5) of the Electricity Act, 2003.



Upon due consideration, the Ld. CCGRF conducted a hearing on 05.03.2024, wherein both parties were afforded ample opportunity to present their case.

The Ld. CCGRF, having considered the submissions, passed a detailed and reasoned Order dated 24.04.2024, issuing the following specific directions:

Para 3: Directed the Respondent to maintain statutory clearance between the rooftop and the HT conductor in accordance with CEA Regulations dated 08.06.2023.

Para 4: Directed the Respondent to protect the H.T. double-pole structure with proper retaining measures to prevent landslides during monsoon.

Para 5: Directed the Respondent to explore shifting of the HT line to roadside alignment or underground cabling under any Central Aided Scheme to avert potential danger.

Despite the clear mandates and the urgency outlined in the Ld. CGRF's directions, the Respondent Authority failed to take any meaningful steps to implement the same.

On 14.05.2024, the Appellant again approached the CGRF citing deliberate non-compliance of its Order.

Acting on the Appellant's representation, the Ld. CGRF issued a Notice dated 17.05.2024 (No. ANI/CGRF/10-319/376), strongly rebuking the Respondent's failure to act, and warning of consequences under the Electricity Act and relevant JERC Regulations.

The Respondent's subsequent action vide letter dated 17.05.2024 was entirely mechanical, requesting the Appellant to identify a new location within her own limited premises for the H-Pole, despite knowing that such a shift within the same plot would not resolve the danger. The Appellant submits that there exists an adjacent, unutilized revenue land suitable for relocating the HT line. The Respondent, fully aware of this fact, chose not to pursue that viable alternative.

The Appellant further reiterates that her residential property, measuring only 200 sq. meters, is the sole land in her possession. Any mishap resulting from the present hazardous situation would render her homeless.

On 20.05.2024, the Respondent submitted a purported compliance report to the Ld. CGRF. However, this again relied on the ineffective and previously rejected measure of H-Pole erection, which failed to mitigate the danger.



Dissatisfied, the Appellant submitted another representation dated 21.02.2025 to the Chairman CGRF, A & Ni Island, requesting invocation of the enforcement powers under Section 142 of the Electricity Act, 2003.

The CGRF thereafter issued another Notice dated 11.02.2025 (No. ANI/CGRF/10-319/629), reiterating its directions and demanding immediate and full compliance from the Respondent. In a hasty and insincere attempt to demonstrate compliance, the Respondent repeated its earlier submissions and actions, without addressing the crux of the Ld. CGRF's directions or resolving the life-threatening risk to the Appellant.

In view of the above facts and circumstances, the Appellant most humbly prays that the Ombudsman may be pleased to:

- Direct the Respondent Authority (ED) to immediately and fully implement the directions contained in the Ld. CGRF's Order dated 24.04.2024 in true letter and spirit.
- Further direct the Respondent to explore and shift the HT line to the adjacent revenue land or lay underground cables, as originally envisaged by the Ld. CGRF.
- Invoke powers under Section 142 of the Electricity Act, 2003 and impose suitable penalty for deliberate and continuous disobedience of the Ld. CGRF's Order.

B. Submissions by the Respondents

That the Respondent Authority categorically denies the allegation of willful or deliberate non-compliance. At all stages, the Respondent has acted in good faith and taken steps within the constraints of technical feasibility, statutory procedures, and resource availability.

That the Appellant's grievance arises out of the positioning of a 33KV HT line in proximity to her residential building. The Respondent acknowledges the concern and has initiated remedial action, as detailed herein below.

Chronology of Facts and Respondent's Position:

Upon receipt of the Appellant's initial communication dated 05.12.2022, the Respondent carried out an on-site inspection and, as a provisional safety measure, erected an H-Pole to increase the vertical clearance of the HT line.

The Respondent submits that this step was a technically approved standard measure intended to mitigate immediate risk. The same was carried out expeditiously despite challenging topographical and soil conditions (muddy terrain).



Following the filing of the complaint before the Ld. CGRF and the subsequent hearing held on 05.03.2024, the Ld. CGRF passed an Order dated 24.04.2024, directing the Respondent inter alia to:

- a) Ensure statutory clearance in accordance with the CEA Safety Regulations;
- b) Stabilize the H-Pole base with retaining structures; and
- c) Explore shifting the HT line or laying underground cables, subject to feasibility and availability of schemes.

The Respondent respectfully submits that the CGRF's Order was promptly acknowledged and steps were undertaken in phases. Vide letter dated 17.05.2024, the Respondent requested the Appellant to identify a suitable location within her property for alternate pole placement, as a preliminary step towards relocation.

The Respondent further clarifies that this request was made considering the technical challenges and lack of immediate statutory clearance for utilizing adjacent revenue land, which remains under the jurisdiction of other government authorities.

On 20.05.2024, a status report was submitted to the Ld. CGRF detailing the measures taken, including the erection of the H-Pole and plans for base stabilization.

The Respondent reiterates that the use of private land or alternate public land for shifting HT infrastructure requires due process and administrative clearance from other departments. Any delay on this front is not attributable to inaction or willful disregard by the Respondent Authority.

The Appellant's further representations dated 14.05.2024 and 21.02.2025 were duly acted upon. However, the Respondent contends that the assertions of harassment and bureaucratic delay are unfounded, as each step taken has been within regulatory timelines and with bona fide intent.

The Respondent is actively coordinating with relevant authorities to explore the feasibility of shifting the HT line to adjacent revenue land or laying underground cables under applicable schemes, subject to technical sanction and budgetary approval.

The Respondent submits that it has neither disobeyed the Order dated 24.04.2024 nor evaded its responsibility. While complete implementation may be pending, necessary groundwork has been initiated in right earnest.



In light of the foregoing, the Respondent humbly prays that this Authority may be pleased to:

- a. Take on record the steps already undertaken by the Respondent in compliance with the Order dated 24.04.2024;
- b. Permit reasonable time for inter-departmental approvals and technical assessments necessary for the possible relocation or underground laying of the HT line;
- c. Reject the Appellant's prayer for penalty under Section 142 of the Electricity Act, 2003, as there is no deliberate or willful violation of the CGRF's directions;

C. Proceedings:

The Hearing in this case held on 21st May 2025 through VC. The following officials were present.

1. Smt B.Jeralt,
2. Mr. Shivan S/o Smt. B Jeralt. Appellant
3. Mrs. Madhuri Shukla Respondents

Mr Sivan S/o Mrs. B Jeralt represented his mother due to language problem being faced by his mother. Mr. Shivan reiterated his complaint regarding 33kV line passing over the residence of the Appellant. He further, submitted that the safety measures taken by the department are inadequate and the clearance as claimed by the department in their reply is not correct. They are still within the accessible range (Horizontal as well as Vertical).

Respondent Electricity department submitted that the High Tension (HT) transmission line in question forms an essential part of a 25–30 km long 33 kV network that facilitates the transfer of approximately 20 MW of power from the Bambooflat 33 kV Sub-Station and associated generation units to Sri Vijaya Puram town, thereby meeting nearly 50% of the region's total electricity demand. This critical infrastructure traverses both maritime corridors—from Shore Point to Jungle Bari and from Dundus Point to Minnie Bay Tip—as well as designated land-based alignments.

The tie lines comprising this network are the sole conduits for inter-substation power transfer. Consequently, any alteration or relocation of these lines poses a serious threat to grid stability and significantly increases the risk of outages. Given the strategic and systemic importance of this HT corridor, any modification proposals must be evaluated holistically and in accordance



with broader public interest and grid integrity, rather than being driven by isolated individual concerns.

Considering all the facts and the significance of the 33 KV HT line, Ld. CGRF issued appropriate directions for compliance. These included maintaining the statutory clearance between the rooftop and the HT line as per CEA recommendations, securing the electric pole with a retaining wall to avoid land sliding during rainy season, and exploring future options for line shifting or underground cable conversion under any centrally aided scheme.

The department, in compliance with the Ld. CGRF'S directions, has installed an additional H-pole & shifted the line from Disc Point to Pin, thereby increasing the distance (Horizontal & Vertical) between the rooftop and the line to adequately more than the minimum statutory clearance, which has been duly conveyed to the Learned CGRF accordingly.

As regard to construction of retaining wall for securing the pole base, a request was made to the Civil Works Department of the A&N Administration, and the work will be completed shortly. However, to maintain the structural integrity of the pole, it has already been properly supported with stay wires, which will prevent any deflection. Moreover, since the lines are interconnected, the other attached poles also contribute to ensuring its stability.

As far as the shifting of lines and underground (UG) cable conversion under the centrally aided scheme is concerned, a complete revamping of the transmission line is incorporated under loss reduction component of RDSS (Revamped Distributor Sector Scheme). The BOQ and Technical Specifications of electrical infrastructure including the 33 KV line in question has been finalized by the Department and shall be shared with Implementing agency i.e. Power Grid Corporation India Limited (PGCIL). In the layout diagram of the proposed work it can be seen that re- routing line shall be carried out and the existing line near appellant Smt. B Jeral House will be completely removed thereby all of his concerns will be addressed.

D. Analysis and Findings:

1. All the documents and records submitted by the Appellant and Respondents have been considered while evaluating the present case.
2. The Appellant raised issue regarding the continued presence of the 33 kV feeder Panther-1 and Panther-2, tie lines passing directly over her residential premises of Appellant, and requested their relocation in light of safety hazards.



3. The Respondent/Licensee—Electricity Department (ED), A&N Administration—submitted that the said tie lines were originally constructed in 2002 as part of the transmission system conveying power from the Bambooflat Powerhouse to the Garacharma Substation. These lines serve as a major supply corridor, ensuring power transmission to Port Blair and adjoining areas.
4. Based on the submissions by the Appellant, the Ld. CGRF observed that on 19.09.2020, a severe landslide occurred due to heavy rainfall, destabilizing the ground near an electric pole situated adjacent to the Appellant's property. The pole was rendered structurally vulnerable and appeared to be on the verge of collapse. Following this incident, the Station House Officer (SHO), Police Station Bambooflat, visited the location and issued an immediate directive for the evacuation of the complainant's residence until the site was deemed safe.
5. On the same day, the Assistant Engineer-III from the Electricity Department, Prothrapur, conducted an inspection and reportedly assured that immediate steps would be taken to shift the affected pole.
6. On the following day, workers from the APWD, Bambooflat Section, implemented temporary protective measures to contain further soil erosion and safeguard the electric infrastructure.
7. During its own site inspections conducted on 13.02.2024 and again on 29.02.2024, the CGRF observed that the pole remained in a precarious condition due to the unstable terrain. The temporary reinforcements consisted of pipes and a tin shed, aimed at preventing further damage during adverse weather conditions.
8. The CGRF further noted the installation of a new electric pole on the opposite side of the road, seemingly in an effort to restore or maintain the statutory clearance between the live HT conductor and the rooftop of the complainant's building.
9. During the hearing, the complainant testified that her house was constructed in 2008 and later modified in 2010. Significantly, the Electricity Department did not issue any statutory notice alleging encroachment into the safety clearance zone. The Ld. CGRF took cognizance of the fact that the Department undertook only temporary remedial measures



following the 2020 landslide, including the insertion of a new pole to re-establish minimum statutory clearance requirements.

10. As per Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2023 Rule 65, which states as under:

Erection or alteration of buildings, structures, flood banks and elevation of roads. –

- A. *If at any time subsequent to the erection of an overhead line, whether covered with insulating material or not or underground cable, any person proposes to erect a new building or structure or flood bank or to raise any road level or to carry out any other type of work whether permanent or temporary or to make in or upon any building, or structure or flood bank or road, any permanent or temporary addition or alteration, such person and the contractor whom he employs to carry out the erection, addition or alteration, shall give intimation in writing of his intention to do so, to the supplier or owner and to the Electrical Inspector and shall furnish therewith a scale drawing showing the proposed building, structure, flood bank, road or any addition or alteration and scaffolding thereof required during the construction.*
- B. *On receipt of such intimation, the supplier or owner shall examine -*
- (a) whether the overhead line or underground cable under reference was laid in accordance with the provisions of these regulations and any other law for the time being in force;*
 - (b) whether it is technically feasible;*
 - (c) whether it meets the requirement of right of way; and*
 - (d) whether such person was liable to pay the cost of alteration of the overhead line or underground cable and if so, issue a notice within a period of thirty days to such person together with an estimate of the cost of the expenditure likely to be incurred to alter the overhead line or underground cable and require him to deposit, within thirty days of the receipt of the notice, with the supplier or owner, the amount of the estimated cost.*
- C. *If such person disputes the cost of alteration of the overhead line or underground cable estimated by the supplier or owner or even the responsibility to pay such cost, the*



dispute may be referred to the Electrical Inspector who shall after hearing both parties decide upon the issue in accordance with sub-regulation (4).

D. The Electrical Inspector shall estimate the cost of alteration of overhead line or underground cable on the following basis, namely: –

- a. the cost of material used for the alteration after accounting for the depreciated cost of the material of the existing line or underground cable;
- b. the wages of labour employed in the alteration; and
- c. the supervision charge to the extent of fifteen per cent of the wages mentioned in clause (b) and charges incurred by the owner or supplier or consumer in complying with the provisions of section 67 of the Act, in respect of alterations.

E. Any addition or alteration to the building or structure shall be allowed only after the deposit of such estimated cost to the supplier or owner.

F. No work upon such building, structure, flood bank, road and addition or alteration thereto shall commence or continue until the Electrical Inspector certifies that regulations 60, 62, 63, 66 and regulation 79 have not been contravened either during or after the construction:

Provided that the Electrical Inspector may, if he is satisfied that the overhead line or underground cable has been so guarded as to secure the protection of persons or property from injury, certify within fifteen days that the work may be executed prior to the alteration of the overhead line or underground cable or in the case of temporary addition or alteration, without alteration of the overhead line or underground cable.

G. The supplier or owner shall, on receipt of such deposit, alter the overhead line or underground cable in such a way that it does not contravene the regulations 60, 62, 63 and 79 either during or after such construction within two months from the date of such deposit or within such longer period as the Electrical Inspector may permit for reasons to be recorded in writing.

11. In the present case No Notice for the accessibility has been issued by the department or placed on record by the department. No estimate for shifting has been issued to the Appellant



12. The Respondent emphasized, the critical importance of uninterrupted power supply via this tie line. However, it emphasized that the Department's interventions had remained provisional in nature, primarily reactive to emergencies rather than part of a comprehensive safety strategy. Accordingly, the Ld. CGRF issued the following directions:

Statutory Clearance: The Respondent was instructed to ensure that minimum statutory clearance is permanently maintained between the rooftop of the complainant's building and the HT conductor, in strict adherence to applicable safety standards.

Structural Protection: The Respondent was directed to undertake immediate protection of the HT double-pole structure and construct a robust retaining wall to mitigate the risk of future landslides, particularly during the monsoon season.

The Respondent further submitted that the shifting of overhead lines and conversion of the same into underground (UG) cable under the centrally aided scheme is concerned, a complete revamping of the transmission line is incorporated under loss reduction component of RDSS (Revamped Distributor Sector Scheme). The BOQ and Technical Specifications of electrical infrastructure including the 33 KV line in question has been finalized by the Department and shall be shared with Implementing agency i.e. Power Grid Corporation India Limited (PGCIL). In the layout diagram of the proposed work it can be seen that re- routing line shall be carried out and the existing line near the house of appellant Smt. B Jeralt House will be completely removed thereby all of his concerns will be addressed.

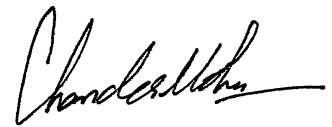
13. In view of the above, the grievance raised by the Appellant stands redressed, and no further action is deemed necessary in the matter. However, the Appellant has been advised to take all necessary safety precautions until the department carries out the shifting. Ensuring the safety of human life is of utmost importance, and the responsibility for maintaining safety rests equally with both the licensee and the consumers residing in the vicinity of the electricity line.

Hence, it is ordered accordingly:

1. The order passed by the Ld. CGRF in case No 319 is upheld.



2. The department is directed to depute the maintenance team at the earliest and take measures to maintain the safety of all humans who are within the accessible range of these 33kV feeders.
3. A Public Board be provided at critical locations with instructions to General Public creating awareness among the residents that coming closer to the line can be life threatening.
4. The periodic survey should be carried out so that any eventuality can be avoided by taking preventive measures.
5. The Double Pole structure be protected from any damage due to soil erosion by constructing a retaining wall.
6. The RDSS scheme be expedited on priority so that the human life can be saved.
7. During the course of hearing it has been given to understand that there is no setup for issuing accessibility notice and keeping record for the same
8. A certified copy of this order be sent to SE, Electricity Department, Andaman & Nicobar Island for compliance.
9. A copy of this order be provided to the Appellant as well.
10. The Electricity Department/Licensee should submit a compliance report to the office of Electricity Ombudsman on the action taken in this regard within **15 days** from the issuance of this Order by email.
11. The appeal is disposed of accordingly.



(C M SHARMA)

Electricity Ombudsman
For Goa & UTs (except Delhi)

Dated: 27.05.2025