



**BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA**

First Floor 33/11 kV Substation, Hyderabad Boats Club Lane  
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN  
VIDYUT OMBUDSMAN**

THURSDAY THE ELEVENTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY TWO

**Appeal No. 35 of 2020-21**

Between

Smt.C.Neeraja, w/o.C.Satish Kumar, # 11-50/1, Sri Ram Nagar Colony,  
Balaji Nagar, Hyderabad-500 087. Cell : 9390881411, 9392542244.

**.....Appellant**

**AND**

1. The Assistant Engineer / Operation / Balaji Nagar / TSSPDCL /  
Medchal - Malkajgiri District.
2. The Assistant Divisional Engineer / Operation / Keesara /TSSPDCL /  
Medchal- Malkajgiri District.
3. The Divisional Engineer / Operation / Keesara /TSSPDCL /  
Medchal- Malkajgiri District.
4. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL /  
Medchal- Malkajgiri District.

**..... Respondents**

This appeal is coming on before me for final hearing on 02.08.2022 in the presence of Smt. C. Neeraja - appellant and Sri V.Ch.Erranna - AAE/OP/Balaji Nagar representing the respondents and having stood over for consideration till this day, this Vidhyut Ombudsman passed the following:-

**AWARD**

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - II (Greater Hyderabad Area)

Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TSSPDCL') in C.G.No.86/2020-21 dated.16.12.2020.

#### **CASE OF THE APPELLANT**

2. The case of the appellant is that the respondents have erected a Distribution Transformer (in short 'DTR') at her house No.11-50/1, Sri Ram Nagar Colony, Balaji Nagar, Hyderabad. According to her, the existence of DTR at their house poses danger to them. Hence, she requested to direct the respondents to remove the DTR constructed near her house.

#### **CASE OF THE RESPONDENTS**

3. The AAE/OP/Balaji Nagar (respondent No.1) has submitted in the written submission that the DTR was constructed in the 30 feet public road and not in the consumer's premises. The distance between the plinth and her premises is more than (4) feet, which is totally safe. The proposed DTR was due to low voltage complaints during the summer season in the locality.

4. Respondent No.2 has also filed written submissions before the Forum contending that the DTR was constructed beside the 30 feet road. There is a gap of more than (4) feet, between the premises of the appellant and the DTR.

#### **AWARD OF THE FORUM**

5. After hearing both sides and after considering the material on record, the learned Forum has rejected the complaint mainly on the ground

that the DTR was constructed in the 30 feet wide public road, duly taking no objection from the local people and it was not erected in the appellant's premises.

### **GROUND OF THE APPEAL**

6. Aggrieved by the Award passed by the Forum this appeal is preferred, contending among other grounds, that the existence of DTR near her premises may cause lot of damage to them.

7. In the grounds of the appeal it is submitted by the appellant that the erection of DTR is very close to the premises of the appellant, poses threat to them and their children and the respondents have not followed the minimum distance for erecting the DTR.

8. The appellant has submitted that the DTR constructed very close to her house without maintaining minimum distance is posing threat to their family and hence she prayed to direct the respondents to shift the said DTR.

9. On the other the hand, it is submitted on behalf of the respondents that after taking all precautions and maintaining proper distance the DTR is constructed and it does not pose any damage to the family of the appellant.

### **POINTS**

10. The points that arise for consideration are:-

- i) Whether the DTR is liable to be removed from the existing place near the premises of the appellant?
- ii) Whether the Award passed by the learned Forum is liable to be set aside? and

iii) To what relief.

### **SETTLEMENT BY MUTUAL AGREEMENT**

11. Both the parties have appeared before this authority on 02.08.2022. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

### **REASONS FOR DELAY IN DISPOSING OF THE APPEAL**

12. Since I took charge as Vidyut Ombudsman on 01.07.2022 and since there was no regular Vidyut Ombudsman earlier, the appeal was not disposed of within the prescribed period.

### **POINTS (i) and (ii)**

13. In the present appeal the respondent No.2 has filed photograph and also a sketch map with a report stating that in order to overcome the low voltage problem in the area of the appellant, the DTR is proposed at the present place.

14. In view of the grievance of the appellant, it is necessary to refer Rule 80 (2) of Indian Electricity Act Rules 1956 (in short 'the Rules') which reads as under:-

“(2)The horizontal clearance between the nearest conductor and any part of such building shall, on the basis of maximum deflection due to wind pressure, be not less than:-

(a)For high voltage lines upto and including 11,000 volts 1.2 metres

(b) For high voltage lines above 11,000 volts and up to and including 33,000 volts	2.0 metres
(c) for extra-high voltage lines	2.0 metres plus 0.3 metre for every additional 33,000 volts for part thereof

15. Both the parties have also submitted the photographs of the disputed construction of the plinth at different angles before the Forum. A perusal of the photos shows that a plinth was constructed with cement beam structure with platform on the top to rest the DTR. The structure is to the corner point of the premises abutting an 8.0 metres PSCC pole already holding a single phase DTR at the top. The new erection of DTR is couched by the reason to improve quality of power supply at the subject area, having low voltage complaints during the summer season. During the summer season the domestic power consumption exceeds its peak due to hot and humid conditions. Depending upon the drawal of power supply, in order to meet the additional demand of power supply over the existing network, erection of additional DTRs are needed, at the load centres where the power load can be equally divided. Section 42(1) of the Electricity Act 2003 (in short 'the Act') mandates a distribution licensee to maintain an efficient coordinated power supply in his area of supply. The said provision is reproduced hereunder:-

**“Clause 42(1):- Duties of distribution licensee and open access;- It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.”**

The above given provision envisages the licensee to carry out such works to improve the quality of power supply and maintain efficient coordinated supply, but such works shall not compromise on the future threats/ danger in view of proximity to the nearby consumers. The Rules 1956 mandates the clearances to be maintained from the buildings/premises of low and medium voltage lines. Here in this case the reference voltage is 11000 volts which falls under medium voltage. The relevant Rules 79 of the Rules reads as under:-

**“79. Clearance from buildings of low and medium voltage lines and service lines:-**

*(1)Where a low or medium voltage, overhead line passes above or adjacent to or terminates on any building, the following minimum clearances from any accessible point, on the basis of maximum sag, shall be observed:-*

*(a) for any flat roof, open balcony, verandah roof and lean-to-roof:-*

*(i) when the line passes above the building a vertical clearance of 2.5 metres from the highest point,*

*(ii)when the line passes adjacent to the building a horizontal clearance of 1.2 metres from the nearest point, and*

*(b) for pitched roof-*

*(i) when the line passes above the building a vertical clearance of 2.5 metres immediately under the lines, and*

*(ii) When the line passes adjacent to the building a horizontal clearance of 1.2 metres.”*

## **CRUX OF THE CASE**

16. Keeping in view the above law, now it is necessary to analyse the present case. A closer look of the photographs shows that the nearest point in proximity to the erected single beam cement structure i.e. plinth of the transformer is the compound wall of the premises. Whereas, the nearest point of the resident building of the appellant is much beyond the compound wall. This distance between the building and the plinth is much higher than the required minimum horizontal clearance of 1.2 metres. However, the appellant is apprehensive towards proposed construction very close to the compound wall. The AE/OP/Balaji Nagar further submitted a brief report along with the sketch showing the existing distance to the premises. The nearest point HT bush of DTR horizontal to the compound wall is stated to be 217 Cm (2.17 metres) as reckoned by the licensee is sufficient as per the above said Clause, which mandates a minimum horizontal clearance of 1.2 metres. It is affirmed by the AE/OP/Balaji Nagar that all the safety measures were taken towards avoiding electrical accidents as per the Rules. Further the single pole structure is having a single phase transformer to the top of the pole which shall be removed against the erection of new distribution transformer upon the newly constructed plinth, which clearly adds to the appellant's cause by increasing the distance between the premises and the transformer to far place. In view of the above given circumstances there is no reason to relocate the place of erection of the distribution transformer adjudicated by the licensee.

17. In view of the above factors, the DTR is not liable to be removed from the existing place of erection of DTR from the existing place and the Award is not liable to be set aside. These points are decided against the appellant and in favour of the respondents.

**Point No. (iii)**

18. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

**RESULT**

19. In the result, the appeal is rejected, without costs, confirming the Award passed by the Forum.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 11th day of August 2022.

**Vidyut Ombudsman**

1. Smt.C.Neeraja, w/o.C.Satish Kumar, # 11-50/1, Sri Ram Nagar Colony,Balaji Nagar, Hyderabad-500 087. Cell : 9390881411, 9392542244.
2. The Assistant Engineer / Operation / Balaji Nagar / TSSPDCL / Medchal - Malkajgiri District.
3. The Assistant Divisional Engineer / Operation / Keesara /TSSPDCL / Medchal- Malkajgiri District.
4. The Divisional Engineer / Operation / Keesara /TSSPDCL / Medchal- Malkajgiri District.



5. The Superintending Engineer / Operation / Habsiguda Circle / TSSPDCL / Medchal- Malkajgiri District.

**Copy to**

6. The Chairperson, Consumer Grievances Redressal Forum -Greater Hyderabad Area, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyderabad.

APPEAL NO. 35 OF 2020-21