



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor, 33/11 KV Sub Station, Hyderabad Boat Club Lane, Lumbini
Park, Hyderabad - 500 063

::Present:: Sri. NAGARAJ NARAM

Saturday the Seventh Day of August 2021

Appeal No. 33 of 2020-21

Preferred against the order dated 30.12.2020 of CGRF
in C G No. 89 / 2019-20 of Saroor Nagar Circle

Between

Mr. Azgar Ali Khan,
S/o. Kazim Hussain,
9-4-98, Muslim Basti, Champapet,
Saroor Nagar, Vaishali Nagar,
K.V. Ranga Reddy, Saroor Nagar,
RR. Dist. - 500 079. Cell: 9391736708.

... Appellant

AND

1. The AE / OP / Champapet / TSSPDCL / RR Dist.
2. The ADE / OP / Champapet / TSSPDCL / RR Dist.
3. The AAO / ERO / Champapet / TSSPDCL / RR Dist.
4. The DE / OP / Champapet / TSSPDCL / RR Dist.
5. The SE / OP / Saroor Nagar Circle / TSSPDCL / RR Dist. **Respondents**

The above appeal filed on 27.01.2021 coming up for final hearing before the Vidyut Ombudsman for the state of Telangana on 20.03.2021 at Hyderabad in the presence of Sri. Azgar Ali Khan - Appellant and Sri. S. Ravi Prasad – DE / OP / Lines for the Respondents and having considered the record and submissions of both parties, the Vidyut Ombudsman passed the following;

ORDER

This is an appeal against the orders of the CGRF, Saroor Nagar Circle in CG No. 89 / 2020-21 dated 30.11.2020.

2. The appellant filed the appeal and stated thus as below.
 - a) Initially there was no AB switch, actually there was municipal drainage lane, which was closed.
 - b) Master plan wing has not given me any document nor they have informed me for the erection of the AB switch.
 - c) I don't even know when they came because of my timings. I went to out of station for a month, by the time they got a fixed 33 KV AB switch.

d) Since i have not paid for erection of 33 KV switch the question of payment of shifting of AB switch does not arise. Finally I request you to kindly shift the AB switch to which will be thankful.

3. The submission against the appeal have been made by the officers of the licensee as below.

a) I submit that, the premises of Sri Azgar Ali Khan bearing D. No. 9-4-98 was inspected earlier on 18.12.2020 and found that there is a double pole structure on the footpath of the inner ring road on which 33 KV Laxminagar UG Cable feeder, 33 KV CRPF feeder and 33 KV Kodikalgate feeder are existing. This double pole structure was erected by master plan wing before the year 2015.

b) It is also observed that there is a gap of about 15 feet between this double pole structure and the premises of Sri Azgar Ali Khan and there is a service road in this 15 feet gap. There is no danger involved as there is sufficient clearance between the DP structure and the residence of Sri. Azgar Ali Khan. As represented by Sri Azgar Ali Khan no sparks are observed on the above double pole structure as the maintenance is being taken up very regularly and there are no loose contact and hence do not require shifting of double pole structure. The above facts are also explained in the sketch filed with the submissions.

c) It is stated further that there is no alternate site available to shift this double pole structure and ever if the alternate site is available, Sri Azgar Ali Khan has to pay the necessary shifting changes.

d) It is stated that the grievance complaint filed by Sri Azgar Ali Khan before CGRF was rejected.

3. The appeal was taken up for conciliation / hearing by this authority in terms of the subsisting regulation. At the time of hearing, it was felt necessary to have the alleged place inspected by the third party. Therefore, the officer of this authority has been nominated by daily order dated 13.02.2021. Sri. Shankar Shailender Assistant Divisional engineer (Technical) was requested to conduct a field visit of the location allegedly in issue. Accordingly, upon field visit a report is filed the officer. The contents of the report were made available to the parties and are extracted below.

Inspection report of ADE/TECHNICAL/VIDYUT OMBUDSMAN:

- a) During the hearing held on 13.02.2021, in respect of the appeal cited above, I was directed for the field inspection to be conducted in the presence of the parties and report the factual information. In view of the above, I have inspected the premises H. No. 9-4-98, Champapet, Hyderabad on 05.03.2021, in presence of the appellant, Sri. Azgar Ali Khan and the representative of the respondents, Sri. Feroz Khan, ADE / Lines / Malakpet. On enquiry of the grievance of the appellant, it is reported that from the existing 33 KV double pole line AB switch structure sparks and flames were flared up during rainy season and also in one incident, the lorry hit the double pole structure. Consequently, the appellant is frightened by the sparks and flames, filed the present appeal for shifting of the double pole structure to some other place.
- b) On inspection of the site in terms of clearance between the premises and the 33 KV double pole structure. A passage way is existing between the structure and the premises with horizontal distance of 4.5 meters. As per the clause 80 of Electricity Rules 1956, the clearances from the buildings to the lines for the voltage of 33 KV, the permissible distance is to be 3.7 meters vertical clearance and 2 meters Horizontal clearance. The existing 33 KV double pole structure is maintained well within the permissible limits of the vertical and horizontal clearances as mandated under the Electricity Rules,1956. The photos of the location is enclosed for observation.
- c) The phenomenon of getting sparks and flames from the 33 KV double pole structure, which the appellant is vary of is due to loose contacts in the 33 KV line AB switch, whenever a line fault occurs in the 33 KV line beyond the line AB switch, due to heavy faulty currents sparks and flames might occur. Thus, in order to avoid such irregularity, it is proposed for maintenance of the 33 KV double pole structure AB switch to rectify the loose contacts, tightening of the nuts and bolts, attending the REDHOTs, if any, by the respondents.
- d) Whereas the appellant is not inclined to pay the shifting charges of the said structure and requested to shift the structure at the expenses of the TSSPDCL. As per the GTCS Clause 5.3.4, the shifting charges are to be borne by the appellant and hence the said structure cannot be shifted without payment for the expenditure involved.

4. The DE / Lines / Nallakunta further filed his submissions and stated thus as below.

“Further to the report submitted by Assistant Divisional Engineer / Technical to Vidyut Ombudsman, that the appellant Sri Azgar Ali Kahn has not only inclined to pay the shifting charges but also has not shown any alternative place for shifting. Since even if Sri Azgar Ali Kahn is ready to pay the necessary shifting charges there must be alternative site available for shifting.”

5. The short issue having heard the appellant and the officers of the licensee whether it is consumer grievance and if so to what extent the appellant is entitled to relief.

6. Prima facie, the issue is in respect shifting lines and transformer existing in front of the premises of the appellant. Before embarking on the issue it may be relevant to notice the definitions of the consumer, complainant and grievance as assigned in the Electricity Act, 2003 and the regulation concerning this authority that is Regulation No. 3 of 2015.

Electricity Act, 2003

“Sec 2 (15) (15) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;”

Regulation No. 3 of 2015 issued by TSERC

“1.5 Definitions

- c) “Complainant” is a person who has a grievance and includes the following
- i. A consumer as defined in sub section (15) of section 2 of the Act;
 - ii. An applicant for a new connection;
 - iii. Any registered consumer association under any law;
 - iv. Any unregistered association or a group of consumers, where the consumers have a common or similar interests;

- v. Legal heir(s) or representative(s) of a deceased consumer; or
- vi. Any person who is a tenant or a lessee of a premises, or any person who is in occupation of any premises, where the service connection is in the name of owner of the premises and the electricity supplied by the licensee through that service connection is consumed by the tenant, lessee or person in occupation, as the case may be.

d) "Grievance" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be undertaken by a distribution licensee under the Act or has been undertaken to be performed by a distribution licensee in pursuance of a license, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of distribution licensees as specified by the Commission and includes billing disputes system or having potential of endangering of life or property."

7. In this case it may be relevant also to notice clause 5.3.4 of the General Terms and Conditions of Supply of the licensee

"5.3.4 Charges for shifting of service: The estimate for shifting the existing service will cover the following items as chargeable to the consumer:

- i Dismantling charges at the old site;
- ii Transport charges from the old site to the new site.
- iii Re-erection charges at the new site;
- iv Depreciation on the old materials if any not reused at the site;
- v Overhead charges; vi Cost of new materials if required; and
- vii Cost of irretrievable materials.

The consumer shall pay the above charges included in the estimate in advance before taking up shifting operations."

8. This authority has perused the material and also the photographs of the alleged location. This grievance raised by the appellant is in the form *pro bono publico*. He is neither connected to the said structures in front of his residence nor they are hindering his ingress and egress to his own premises. The grievance appears couched with self protection in the guise of public interest. It is settled law public interest cannot be entertained where personal interest is involved.

9. Though it cannot be said that the appellant is directly having personal interest, yet he personal loss or damage to the property in case of any untoward incident has happened. To alleviate this apprehension only 3rd party inspection has been conduct with the officer of this authority visiting the place and assessing practical situation. From the report as extracted above nothing worth detrimental to the appellant is noticed. Moreover, protection appears to have been taken by the licensee to ensure safety of the surrounding place including life and property. This authority to this extent is satisfied about the action taken by the licensee.

10. The appellant's apprehension stems from the submission earlier a vehicle rammed into the structure causing fire and sound. Moreover, it is his case that without his knowledge and permission the structure of 33 KV feeder has been erected. It has to be stated here that the structure is erected on the public road and not even abutting his premises, secondly Act, 2003 mandates that the licensee is at liberty for laying / installing lines and transformers in public area. However, such action would be governed by rules regulations notified by the competent authorities. From the report of the officer of this authority it is clear the applicable rules have been followed. In the circumstances it is not fit case to entertain by this authority.

11. One other aspect that has emanated from the facts is that suggestion is made that the appellant be asked to show alternate location and pay the necessary shifting charges in the lines and equipment to another place. The appellant is wage earner as stated by him at the time of hearing and cannot afford to show the alternative location or afford huge sum of money that may be involved in shifting the installation. Nevertheless, it is surprising that such stand is taken by the licensee, when it's a fact that the appellant is not seeking transfer / shifting his personal connection. The reliance placed on the clause in the general terms and conditions of supply by the licensee regarding shifting of line, meter or transformer as extracted above does apply to this situation on hand.

12. What is apprehended by the appellant is based on his understanding visualisation of the difficulty faced by him and not otherwise. Such apprehension cannot be treated as consumer complaint nor a dispute about the services rendered by the licensee. Therefore, the finding arrived at by the Forum is required to be

upheld. Accordingly, the appeal fails and is rejected.

13. But before parting with this appeal, this authority places on record the valuable assistance rendered by the office in arriving at this decision. At the same time with same breath it must be stated the licensee would be obliged to take all such steps to prevent untoward incident as apprehended and protect the life and property in any case. It shall also ensure suitable protection steps like casing the lines for the present and considering the establishing of under ground cabling in the area in future so that the apprehension of the appellant and other people are removed satisfactorily.

14. With these observations the appeal is dismissed without costs.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 07 day of August, 2021.

Sd/-

VIDYUT OMBUDSMAN (FAC)

1. Mr. Azgar Ali Khan,
S/o. Kazim Hussain,
9-4-98, Muslim Basti, Champapet,
Saroor Nagar, Vaishali Nagar, K.V. Ranga Reddy,
Saroor Nagar, RR. Dist. - 500 079. Cell: 9391736708.
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Copy to :

7. The Chairperson, CGRF-GHA, TSSPDCL, GTS Colony, Vengal Rao Nagar, Hyd.