



A consumer is the important visitor on our premises.  
He is not dependent on us. We are dependent on him.  
-Mahatma Gandhi

## **TAMIL NADU ELECTRICITY OMBUDSMAN**

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**Before The Tamil Nadu Electricity Ombudsman, Chennai**  
**Present : Thiru. N.Kannan, Electricity Ombudsman**

### **A.P.No. 103 of 2022**

Thiru S.Ganesan,  
Flat I-D, Acchyuthan's Raaghav Manor Apartments,  
Door No. 2/16, Tenth Street,  
Nanganallur, Chennai – 600 061.

..... Appellant  
(Thiru S.Ganesan)

Vs.

The Executive Engineer/O&M/Guindy,  
Chennai Electricity Distribution Circle/South-I,  
TANGEDCO,  
110KV SS Complex, K.K.Nagar,  
Second floor, Anna Main Road,  
Chennai-600 078.

.... Respondent  
(Thiru P.Naresh Babu, EE/O&M/Guindy)

**Petition Received on: 08-12-2022**

**Date of hearing: 16-02-2023**

**Date of order: 02-03-2023**

The Appeal Petition received on 08.12.2022, filed by Thiru S.Ganesan, Flat I-D, Acchyuthan's Raaghav Manor Apartments, Door No. 2/16, Tenth Street, Nanganallur, Chennai – 600 061 was registered as Appeal Petition No. 103 of 2022. The above appeal petition came up for hearing before the Electricity Ombudsman on 16.02.2023. Upon perusing the Appeal Petition, Counter affidavit, written argument, and the oral submission made on the hearing date from both the parties, the Electricity Ombudsman passes the following order.

## ORDER

### **1. Prayer of the Appellant:**

The Appellant has prayed to shift the transformer away from the existing location which was erected inside their premises.

### **2.0 Brief History of the case:**

2.1 The Appellant has approached TANGEDCO to replace the defective transformer erected in their premises at the entrance very close to one end of the building which has inherent problem and has become life threatening of late.

2.2 The Respondent has stated that as per Tamil Nadu Electricity Supply Code if the Appellant wants to shift the Distribution Transformer within the premises, the Appellant can apply under Depository contribution works.

2.3 Hence, the Appellant has filed a Petition before the CGRF of Chennai Electricity Distribution Circle / South-I on 11-10-2022.

2.4 The CGRF of Chennai Electricity Distribution Circle / South-I has issued an order dated 09-11-2022. Aggrieved over the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

### **3.0 Orders of the CGRF :**

3.1 The CGRF of Chennai Electricity Distribution Circle/South-I issued its order on 09.11.2022. The relevant portion of the order is extracted below: -

*“Order:*

*As per the Tamil Nadu Electricity Distribution code Clause 27(12) For any building / premises requiring LT service connection(s) having either (a) total floor area of 900 square meter and above (excluding the stilt floor / basement floor) or (b) the total demand of all the LT services in the building exceeds 150 kW.*

*(b) a clear space of 10 metre x4 metre or 5 metre x5 metre open to the sky shall be provided within the consumer premises preferably at the main entrance for installing structure mounted distribution transformer and associated switchgears.*

*As per the respondent's report, the petitioner's building falls under the above category and hence erection of Distribution Transformer within the premises is mandatory.*

*Hence, if the petitioner wants to shift the Distribution Transformer within the premises, the petitioner can apply under Depository contribution works as per the Tamil Nadu Electricity Supply Code clause 5(6). On payment of necessary estimate charges the work will be carried out.*

*The grievance of the petitioner has been addressed.*

*Hence, the petition is treated as closed.”*

#### **4.0 Hearing held by the Electricity Ombudsman:**

4.1 To enable the Appellant and the Respondent to put forth their arguments in person, a hearing was conducted on 16.02.2023.

4.2 The Appellant Thiru S.Ganesan attended the hearing and put forth his argument.

4.3 The Respondent Thiru P.Naresh Babu, EE/O&M/Guindy of Chennai EDC/South-I attended the hearing and put forth his arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing orders. Further, the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone is discussed hereunder.

#### **5.0 Arguments of the Appellant :**

5.1 The Appellant has stated that the Transformer erected in their premises at the entrance very close to one end of the building has inherent problem and has become life threatening of late. The Transformer which is connected to few other streets apart from their building often breaks down under pressure and defective cable network with a loud thud and emission of fire balls around, some falling close to their windows. The sudden sound rattles the resident and induces a sense of shock and recently in one such incident an elderly resident had to be administered first aid to recover. Many times the problem sorts itself and power does not get disconnected and the fuse centre is not aware of it. But the residents undergo agony each time. During rainy days the blast occurs many times switching off the supply.

5.2 The Appellant has stated that they do see sometimes fire at the top of the Transformer which does not disconnect supply. Only after being informed the fuse centre switches off the supply and the fire stops. This is a very dangerous situation and if on any occasion they are not in a position to contact the fuse centre in time the fire may spread to entire Transformer.

5.3 The Appellant has stated that a small hot spot (glow) is often seen which sprinkles spark around and disappear after sometime. With trees around and cars parked beneath it is very dangerous. Tall weak trees stand very close to transformer threatens to fall over it. During rainy windy days situation is very alarming. Some branches of these trees fall on the Transformer and remain there for some time before they are blown away.

5.4 The Appellant has stated that these are all the dangerous events happening around the Transformer and residents especially those living close to the Transformer live under constant fear and mental agony with threat of electrocution or accident by fire. The Transformer erected 14years back has become defective and an object of danger. Hence the Appellant demand its shifting from the premises.

5.5 The Appellant has stated that they have demanded shifting of the Transformer outside their premises as a remedy as it is considered a source of danger and no purpose will be served by continuing with it as suggested in another place within their compound which has equal space all around at our cost.

5.6 The Appellant has stated that they strongly feel that safety overrides all other considerations and the department's insistence on continuation of the Transformer as same has been erected under some scheme some 14 years back is not justifiable in a completely changed environment where consumption pattern and total power demand have vastly changed and only situation on the ground should be the deciding factor.

5.7 The Appellant has stated that the silence of the department to all other complaints as if they have nothing to do with them and the indirect indication that the residents will continue to live in the same danger zone in the absence of their not opting to shift to another place within the compound is highly deplorable and insensitive. Since they are not interested in shifting the Transformer within their compound it is status quo and there will be no change on the ground.

5.8 The Appellant has stated that the CGRF order has been passed without their participation in the hearing as they have not been informed either in writing or by any message about date of hearing. They came across the order when they were searching for the status of their complaint in the net. Their request to have another hearing has been turned down and the copy of the order was received by Regd. Post on 28th Nov 2022.

5.9 The Appellant has stated that they requested for outright shifting of the Transformer from their premises for all the reasons mentioned in the complaint letter and they still insist on that. If however it is mandatory to have Transformer within the premises, they request that a Transformer exclusively for their flat may be installed. Considering the narrow space all around they feel new upgraded mini Transformer will be highly suitable and request the authority to order installation of the same. If that were to happen that would be a most welcome step which would pave way for the residents to feel safe and secure. This would also give a sigh of relief to the residents for all that they have undergone so far. They would be also happy that their petition to Ombudsman has been acted upon.

5.10 The Appellant has stated that EB department which is replacing many old Transformers in the city can as a special case give priority to their flat considering the age of the Transformer and the problems faced by the residents so far. Such gesture will be highly appreciated and residents will ever remain thankful for the same.

5.11 The Appellant has stated that they also feel that the Transformer should be shifted / replaced for the following reasons:

a) The high powered transformer is erected very close to one end of the building (less than 3 metres) in their cramped premises risking the safety of the residents. The Transformer is so close that if a cable were to snap it would fall on the building. They wonder whether observed safety norms and operating procedure of the department allow such installations in a residential area.

b) Outside lines are drawn from this Transformer for adjacent streets and any faults / defects in the connecting network get reflected in the Transformer affecting their safety. They also wonder whether this is permissible.

c) Drawing outside lines from the Transformer necessitates the need to provide 24hrs access to EB staff to attend to complaints and that thrust up on the residents the onus to maintain a system to facilitate this.

The Appellant has stated that the terrible condition under which resident live have clearly been explained in their various letters to department. The residents feel helpless and live in constant mental tension and agony fearing electrocution and ending up victims of Transformer fire or blast. It is sheer luck that nothing major has happened so far. The system has given enough warning and any further delay they fear will only result in a catastrophe.

5.12 The Appellant has stated that in view of the above as already submitted by them, they request as a special case that a smart new upgraded mini Transformer may kindly be sanctioned exclusively to their premises to replace the existing defective one. Such a gesture apart from solving the problem would bring in a big sigh of relief to the residents and enhance their quality of life and would also enable them to lead a life that is safe and secure.

## **6.0 Arguments of the Respondent:**

6.1 The Respondent has submitted that the appellant wanted the transformer in the Apartment building premises to be shifted and filed the case in the CGRF and reproduced the CGRF order as follows:

*As per Tamil Nadu Electricity Distribution code Clause 27(12) for any building / premises requiring LT service connection(s) having either (a) total floor area of 900 square meter and above (Excluding the stilt floor / basement floor) or (b) the total demand of all the LT services in the building exceeds 150KW.*

*(b) a clear space of 10 metre x 4 metre or 5 metre x 5 metre open to the sky shall be provided within the consumer premises preferably at the main entrance for installing structure mounted distribution transformer and associated switchgears.*

*The Respondent has stated that as per the report, the petitioner's building falls under the above category and hence erection of Distribution Transformer within the premises is mandatory.*

Hence, if the petitioner wants to shift the Distribution Transformer within the premises, the petitioner can apply under Depository contribution works as per the Tamil Nadu Electricity Supply Code clause 5(6). On payment of necessary estimate charges the work will be carried out.

6.2 The Respondent has stated that Appellant Raaghav Manor Owners Association, No.2/16, 10th St. Nanganallur has appealed against the CGRF orders, and has stated that the transformer had been erected in the above premises as per the TNERC rules.

## **7.0 Findings of the Electricity Ombudsman:**

7.1 I have heard the arguments of both the Appellant and the Respondent. Based on the arguments and the documents submitted by them, the following are the issues to be decided.

i) What necessitated the Respondent to install the transformer inside the Appellant's premises?

ii) What are the existing regulations that ensure the clearance between the transformer structure and the nearby building and whether the existing clearance between Appellant's building and transformer structure is as per the regulations?

iii) Whether the claim of the Appellant to shift the transformer to another location is feasible?

iv) Whether the Appellant's prayer to ensure safety is feasible?

## **8.0 Findings on the first issue:**

8.1 The Appellant has stated that the transformer was erected 14 years ago. Hence I would like to go through the rules prevailing at that time, Rule 29 of the Tamil Nadu Electricity Distribution Code to know what necessitated the Respondents to install the transformer inside the Appellant's premises. That rule is given below.

### ***"29. Service Lines:***

*(11) In storeyed building sufficient space at a suitable place shall be made available free of cost to the Licensee for installing transformers, switchgears etc., in addition to the space requirements stated below:*

*(12)(For any building/premises requiring LT service connection(s) having either (a) total floor area of 900 square meter and above (excluding the stilt floor/basement floor) or (b) the total demand of all the LT services in the building exceeds 150 kw).*

*(i)(a) an electrical room with RCC roof having clear floor area 6 meters x 4 metres with a vertical clearance of 2.75 metres with locking facility, exhaust fans and adequate size of cable duct, shall be provided at the ground floor within the consumer premises of storied building nearer to the main entrance for installing floor mounted distribution transformer and associated switchgear or*

*(b) a clear space of (10 metre x 4 metre or 5 metre x 5 metre) open to the sky shall be provided within the consumer premises preferably at the main entrance for installing structure mounted distribution transformer and associated switchgears."*

8.2 From the above it is clear that for any building having total floor area above 900 square meters, the applicant has to provide necessary space for installation of transformer inside the premises.

8.3 As the Appellant's building comes under the compulsory category, based on the above regulation, the Respondent had installed the transformer inside the Appellant's premises duly ensuring adequate electrical safety clearances between the transformer and the building.

## **9.0 Findings on the second issue:**

9.1 To know about the regulations regarding the distance between the transformer structure and the building we have to examine the rule 61 of the CEA



(measure relating to safety and electric supply) Regulations 2010. That rule is given below.

**“61. Clearances from buildings of lines of voltage exceeding 650 V:**

*(1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.*

*(2) Where an overhead line of voltage, exceeding 650 V passes above or adjacent to any building or part of a building it shall have on the basis of maximum sag a vertical clearance above the highest part of the building immediately under such line, of not less than-*

*(i) for lines of voltages exceeding 650 Volts up to and including 33,000 Volts - 3.7 metres*

*(ii) for lines of voltages exceeding 33 kV - 3.7 metres plus 0.30 metre for every additional 33,000 Volts or part thereof.*

*(3) 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-*

*(i) for lines of voltages exceeding 650 V up to and including 11,000 Volts - 1.2 metres*

*(ii) for lines of voltages exceeding 11,000 V and up to and including 33,000 V - 2.0 metres*

*(iii) for lines of voltages exceeding 33 kV - 2.0 metres plus 0.3 metre for every additional 33kV or part thereof*

*(4) xxx xxxx xxx*

*(5) xxxx xx xxxx”*

*Explanation: - For the purpose of this regulation the expression "building" shall be deemed to include any structure, whether permanent or temporary.”*

9.2 On a careful reading of the above said regulation, it is noted that the horizontal distance between the building and the installed transformer structure should be 1.2 meters for voltages above 650V and upto 11000V.

9.3 The Appellant has stated that the transformer has been erected in their premises at the entrance very close to one end of the building (less than 3 metres) in their cramped premises risking the safety of the residents. The Respondent has stated that the horizontal clearance between the transformer and the building is 2.6

meters. From this it is evident that the distance is well adequate than mentioned in the CEA regulations (1.2 meters). The claim of the Appellant that the existing DT structure is not installed as per safety regulation is found to have no merit. Hence the claim is rejected.

#### **10.0 Findings on the third issue:**

10.1 I would like to go through the Rule 6 of the Tamil Nadu Electricity Supply Code for shifting of transformer structure to a new location. That rule is given below.

##### ***“(6) Service/line, structure and equipments shifting charge:***

*(1) The cost of shifting service / line, Structure and equipments shall be borne by the consumer. The consumer shall pay the estimated cost of shifting in advance in full. The copy of the estimate shall be given to the consumer. The shifting work will be taken up only after the payment is made.”*

10.2 From the above finding no.1, it is evident that the Appellant comes under the compulsory category for erection of transformer inside the consumer premises. It is also learnt that the Respondent had installed the transformer with adequate clearance as per CEA regulations.

10.3 Under this circumstances if the Appellant feels that the transformer structure is erected very close to the building in their cramped premises risking the safety of the residents which may pose danger and wishes to shift the structure, he may approach the Respondent to shift the structure under DCW basis subject to identifying suitable another location inside the premises.

#### **11.0 Findings on the fourth issue:**

11.1 During the hearing, the Appellant has prayed that the existing DT inside their premises often emits heavy fire and sound, which causes fear on the safety of their lives and belongings. The tree in their neighborhood often falls over the DT structure and causes interruption to their premises.

11.2 In this context, I would like to refer TNERC Distribution code Regulations 16 (1)(a).

*“16. Safety Aspects:*

*(1) Provisions with respect to safety and electricity supply is dealt in detail under section 53 of the Electricity Act, which reads as:*

*(1) The Authority may in consultation with the State Government, specify suitable measures for –*

*(a) Protecting the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electric plant;”*

11.3 The plain reading of the above confirms that the licensee has the responsibility for the safe maintenance of the installation. The respondent informed that periodical maintenance was undertaken at this structure to avoid any untoward incidents. In view of the claim and counter claim of both parties it is ordered to inspect the site and carryout the maintenance and intimate the fact to the Appellant. Necessary tree branch clearance near to the structure may be carried out to avoid fault tripping.

11.4 Further the Appellant has stated that the transformer is connected to a few other streets apart from their building, and lines are drawn outside this transformer for adjacent streets and any faults / defects in the connecting network get reflected in the transformer, affecting their safety. They also wonder whether this is permissible. Drawing outside lines from the Transformer necessitates the need to provide 24hrs access to EB staff to attend to complaints and that thrust up on the residents the onus to maintain a system to facilitate this.

11.5 In regard to this issue, I would like to refer regulation 29(6) of TNERC supply code which is discussed below.

*“29 Service Lines :*

*\*\*\*\**

*(6) The Consumer shall permit the Licensee to install all requisite equipments such as Transformers, switchgears, meters etc., and to lay necessary cables or overhead lines and to provide connections thereto on the consumer's premises and shall also permit the Licensee to extend supply to other consumers through the cables, lines and equipments installed in the*

*consumer's premises, provided that supply to the consumer in the opinion of the Engineer is not thereby unduly affected. ”*

11.6 Hence the Respondent has the authority to extend supply to other consumers from the transformer installed inside the Appellant's premises.

## **12.0 Conclusion:**

12.1 As per my findings in para 8, 9, 10 and 11 above, I am of the view that the claim of the Appellant to shift the Transformer structure at the Respondent's cost is not feasible of compliance. However, if he wishes to shift the structure he is requested to contact the Respondent with a requisition for shifting of structure on DCW basis and the Respondent shall examine the request of the Appellant subject to technical feasibility.

12.2 With the above findings A.P.No.103 of 2022 is finally disposed of by the Electricity Ombudsman. No Costs.

**(N. Kannan)**  
Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”  
“No Consumer, No Utility”

To

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