



## **TAMIL NADU ELECTRICITY OMBUDSMAN**

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### **BEFORE THE TAMIL NADU ELECTRICITY OMBUDSMAN, CHENNAI**

**Present : Thiru. A. Dharmaraj, Electricity Ombudsman**

#### **Appeal Petition No.27 of 2017**

Thiru Mu. Baalakrishnan,  
(Under Secretary to Government Rtd.)  
1/82, 12<sup>th</sup> Street, Karthikeyapuram,  
Madipakkam,  
Chennai – 600 091.

..... Appellant  
(Party in person)

Vs

The Superintending Engineer,  
Chennai Electricity Distribution Circle / South I,  
TANGEDCO,  
110 KV SS Complex,  
K.K. Nagar,  
Chennai– 600 040.

..... Respondent  
(Rep by Thiru. Murali,  
Executive Engineer/Guindy)

**Date of hearing : 8-6-2017**

**Date of order : 27-7-2017**

The Appeal Petition dated 31.03.2017 filed by Thiru Mu. Balakrishnan, Karthikeyapuram, Madipakkam, Chennai – 600 091 was registered as Appeal petition No. 27 of 2017. The above appeal petition came up for hearing before the Electricity Ombudsman on 8-6-2017. Upon perusing the Appeal petition, counter affidavit and after hearing both sides, the Electricity Ombudsman passes the following order.

## Order

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

He humbly request the Hon'ble Ombudsman to call for all original records in this matter and verify the lackness of the action taken and not considered his genuine requests / grievances in time based on the reason explained by him and pass clear order on his mercy petition.

### **2. Brief History of the Case:**

2.1 In-spite of representations to Assistant Engineer, Moovarasampet, Chairman, Chief Secretary, Hon'ble Minister for Electricity and Hon'ble Chief Minister on the subject matter a Distribution Transformer was erected in front of the Appellant's house during the year 2011.

2.2 The Appellant filed a petition before the CGRF of Chennai Electricity Distribution Circle / South on 27-10-2016 for shifting the said transformer erected in front of his house.

2.3 The CGRF of Chennai Electricity Distribution Circle / South has issued its order dated 23.2.2017. The form ordered that the shifting of transformer structure could be done under DCW head.

2.4 Aggrieved by the Order of the CGRF, the Appellant filed this appeal petition before the Electricity Ombudsman.

### **3. Orders of CGRF :**

The CGRF of Chennai Electricity Distribution Circle / South has issued its order dated 23.2.2017. The relevant para of the Order is extracted below:-

#### **"Conclusion:**

*It is noted that the DT is already energized during 2011.*

*From the images shown and from the case of the respondent, it is noted that there is sufficient clearance available as per norms.*

*Since there is necessary clearance available, there is no safety hazard as stated by the petitioner.*

*Hence, it is concluded that shifting of structure can be carried out only under deposit contribution works head.”*

#### **4. Contentions of the Appellant furnished in the Appeal Petition :**

4.1 The EB authorities have started work in front of my house for installation of transformer, intended for Deivanai Nagar in the end of the year 2010. Immediately I represented the matter to the then AE (Thiru. Someswaran) and also to the MD (complaint Cell) TNEB (Telephone) NO.28516362 on the following points:

- (i) It is in close proximity to my house
- (ii) Blocking the only source for entry of car into my house and
- (iii) The over head electrical wire connection of my house will be inside the transformer. The work was stopped by the EB authorities.

4.2 Again on 19.4.2011 the work was started by the TNEB authorities and a low power transformer placed in the pillar intended for Deivanai Nagar (not for our area) . Then I brought the matter to the Chairman, TNEB and also to the Chief Secretary to the Government of Tamil Nadu on 19.4.2011 by email and by letters dated 5.5.2011. The copies of the references have been handed over to the AE concerned in person with a covering letter.

4.3 As the work has not been stopped, I have again represented the matter to the Hon'ble Chief Minister of Tamil nadu and also to the Hon'ble Minister for Electricity on 12.7.2011 . The petition forwarded from the Minister for Electricity was handed over to the AEE(Thiru, Selvaraj), Nanganallur on 21.7.2011. At a sudden the authorities again started the work for wire connection to the low power transformer intended for Deivanai Nagar in August 2011 and no connection was given to the 12<sup>th</sup> Street, Karthikeyapuram.

4.4 As the transformer was started emitting fire frequently and no action taken by the authorities again I represented to the Hon'ble Chief Minister of Tamil nadu on 7.4.2014 on the following points.

- (i) We are always living with fear because of the emission of fire from the transformer frequently;
- (ii) the neem tree etc., planted in that place are under the transformer and anytime they will got fire from the transformer;
- (iii) as the installed transformer is very close to my septic tank, it is very difficult to remove the waste water by using vehicle;
- (iv) the electrical wire connection to my house from the opposite side of road pillar is inserted inside the transformer pillars and it is very dangerous to got fire at any time.
- (v) we the aged and grand children are fear to walk in front of the house because of the frequent emitting fire from the transformer; and
- (vi) the only proposed source for entry of car into my house is blocked and also sufficient vacant place is available in this road for installation of transformer to deivanani nagar.
- (vii) Necessary enquiry has been made by the AEE nanganallur on the above said representation and no reply has been given to me till date in this matter.

4.5 After the enquiry conducted by the AEE, Nanganallur , the transformer bursted immediately. Instead of shifting it to any vacant place, it has been replaced with High Power Transformer and connection was also extended to 12<sup>th</sup> Street, Karthikeyapuram from the transformer in the year 5/2014. As the transformer was again bursted, the same has been replaced with a strong high power transformer in the year 2015 and the electrical wire connection of my house from the opposite side

of the road pillar has been coiled tied up and connected in the transformer.

4.6 The matter has been placed before the Hon'ble Chairman, CGRF, TANGEDCO

on the following grounds:-

- i) the only proposed source for entry of car into my house is blocked by the TNEB authorities.
- ii) as the installed transformer is very close to my septic tank, it is very difficult to remove the waste water by using vehicle;
- iii) myself and my wife living in the house are very aged, we are living with fear that anytime anything may happen due to the high power transformer;
- iv) the electrical wire connection to my house from the opposite side of road pillar has been coiled, tied up and connected in the High Power Transformer, which will cause unexplainable, dangerous inconvenience to my family;
- v) as two transformers have already been bursted and removed and my grand children and others in the street are in a fear to play nearer and also the transformer all of a sudden emitting fire due to short circuit; and
- vi) the behavior of the authorities not taking any serious efforts, to remove the transformer and not shifting it to some other vacant place, put me and my family more in mental agony and mental torture.

4.7 The CGRF after hearing my petition on 23.02.2017 in its order dated 06.03.2017

has stated as follows :

- i) It is noted that the DT is already energized during 2011.
- ii) From the images shown and front the case of the respondent, it is noted that there is sufficient clearance available as per norms.
- iii) Since there is necessary clearance available, there is no safety hazard as stated by the petitioner;

iv) Hence, it is concluded that shifting structure can be carried out only under deposit contribution works head, and

v) directed to prefer an appeal against the order to the TNEB OMBUDSMAN within 30 days from the date of receipt of order.

4.8 It is submitted that the matter has been brought to the notice of the EB authorities from the starting stage of the work and continuously representing to the higher / superior authorities for the past seven years. No reply received from anybody or advice in this matter for any one of my e-mails / letters/ representations.

4.9 All of a sudden, the Assistant Engineer, Moovarasampet in their letter dated 11.11.2016 has stated that the transformer has been installed on 19.04.2011 and it can be shifted to some other location after payment of shifting charges. The Assistant Executive Engineer, Nanganallur in their letter dated 08.02.2017 also endorsed the above said views. No action has been taken either by the then Assistant Engineer, Moovarasampet or by the then Assistant Executive Engineer, Nanganallur on my personal representations before the installation work started and my letters handed over to them on 04.06.2011 and 21.07.2011 (Minister (E)'s letter). Further it is silent on my e-mails and letters addressed to the Chairman, TNEB and my grievances mentioned therein are put on waste box for the past six to seven years.

4.10 It is fully not clear whether the norms of the TANGEDCO is followed in this matter from the time of work started for the installation of a low Power Transformer intended for Deivanai Nagar in front of my house and also on my oral complaints to the Assistant Engineer concerned and to the Telephone message to the TNEB Chairman (Complaint Cell) in time.

**5. Contentions of the Respondent furnished in the Counter:**

5.1 I respectfully submit that I deny each and every one of the allegations made by the petitioner in the statutory appeal.

5.2 The petitioner's representation is as follows:-

- i) The only proposed source for entry of car into my house is blocked by the TNEB authorities.
- ii) As the installed Transformer is very close to my septic tank, it is very difficult to remove the waste water by using vehicle.
- iii) Myself and my wife living in the house are very aged, we are living with fear that anytime anything may happen due to the High Power Transformer.
- iv) The Electrical wire connection to my house from the opposite side of road pillar has been coiled, tied up and connected in the High Power Transformer, which will cause unexplainable, dangerous inconvenience to my Family.
- v) As two transformers have already been bursted and removed and my grand children and others in the street are in a fear to play nearer and also the transformer all of a sudden emitting fire due to short circuit; and
- vi) The behaviour of the authorities not taking any serious efforts, to remove the Transformer and not shifting it to some other vacant place, put me and my family more in mental agony and mental torture.

5.3 The 250 KVA Deivanai Nagar Distribution Transformer structure had already been erected on the public road during 2011 with necessary Horizontal and Vertical clearance. Further on inspecting the site it is confirmed that there is no safety hazard.

5.4 To shift any electrical utility the applicant / petitioner shall apply under DCW basis and to pay necessary estimated charges as per para 554 of TNEB manual Volume I and the Tamil Nadu Electricity Regulatory Commission's supply code modified and added as per Notification No. Tamil Nadu Electricity Regulatory Commission/SC 7-4 dated 25.05.2007 w.e. from 13.06.2007.

5.5 **“For service / line structure and equipments shifting charge,”**

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.

**6. Hearing held by the Electricity Ombudsman :**

6.1 To enable the Appellant and the Respondents to putforth their arguments in person, a hearing was conducted on 8.6.2017.

6.2 Thiru Mu. Balakrishnan, the Appellant herein has attended the hearing and putforth his arguments.

6.3 Thiru Murali, Executive Engineer, Guindy has represented the Respondent and putforth his side arguments.

**7. Arguments putforth by the Appellant on the hearing date:**

7.1 The Appellant reiterated the contents of the Appeal Petition.

7.2 The Appellant informed that he is objecting the erection of transformer from the year 2010 onwards, when the preliminary work were carried out. But inspite of his representation to Chairman, TNEB, Chief Secretary, Electricity Minister and Chief Minister, the transformer was erected in front of his house

even though there are other suitable vacant land available.

7.3 He also informed that there was no reply for all his representations from Board. He also argued the transformer was erected in their street to supply power to Deivanai Nagar only and now only the loads of their street was also connected to the said transformer.

7.4 With regard to safety consideration he has put forth the following

- i) They are always living with fear because fire was emitted from the transformer.
- ii) The service wire was routed through the transformer structure and has also got burnt.
- iii) The transformers erected were burst twice.
- iv) In the LT OH line also movement of fire was observed upto next pole from the transformer pole.

7.5 He has put forth the following arguments to substantiate the inconveniences he is suffering due to erection of the said transformer.

- i) The transformer structure is in front of the septic tank of his house. Therefore, there is hindrance in pumping the waste water from the septic tank to the lorry.
- ii) The proposed source for car entry is blocked.

7.6 He also argued that erection of the transformer in front of house is human right violation.

7.7 He also argued the capacity of the transformer was increased to give more troubles to him as he is making representation.

7.8 In view of the arguments mentioned above, the Appellant argued that to

ensure safety to his family, the transformer has to be shifted to any other location. He also argued that the shifting of the transformer has to done at Boards cost as he has represented / objected erection of the transformer even at the time of doing initial works for the erection of the transformer.

**8. Arguments putforth by the Respondents representative on the hearing date:**

8.1 Thiru Murali, Executive Engineer / Guindy reiterated the contents of the counter.

8.2 The Executive Engineer argued that the transformer was erected in the public Board, with safe distance from the house.

8.3 The Respondent's representative argued that shifting of transformers could be done only under DCW basis.

8.4 The Executive Engineer also informed that the transformer structure was erected in the Road in such a way that it covers some portion in front of the Appellant's area and some portion of his neighbour also.

8.5 Regarding service line to the Appellant's house the Executive Engineer informed that the over head service line will be changed as under ground cable so that it will not pas through the structure of the Transformer.

8.6 Regarding fire on the overhead line, the Executive Engineer argued that there is no possibility of fire from transformer end to the next pole and there is no such complaint from any other consumer. However, he informed that they will inspect the site in the presence of the consumer and do the needful such as tree cutting, etc. if needed.

8.7 In letter dated 22.6.2017, the Assistant Executive Engineer has informed the following:

- i) the existing over head service wire of Thiru Mu. Balakrishnan have been changed into LT 3 ½ X 25 Sq mm UG cable.
- ii) the tree branches adjacent to LT – OH feeders were removed.
- iii) the distance between the Devainai Nagar 250KVA Distribution Transformer and consumer house is 9 feet and there is proper vertical and horizontal clearance.

**9. Findings of the Electricity Ombudsman:**

On a careful consideration of the arguments putforth by the Appellant and the Respondent, I find the following as issues:

- i) Whether the contention of the licensee that the transformer was erected in public road and the clearance from the house is as per safety norms is correct?
- ii) Whether the transformer erected could be shifted to another place as prayed by the Appellant?

**10. Findings on the First Issue:**

10.1 The Appellant has putforth the following arguments

- i) The Appellant informed that he was objecting the erection of the transformer in front of his house from the year 2010 onwards. In spite of his representation to Chairman, TNEB, Chief Secretary to Government of Tamil Nadu, Electricity Minister, Chief Minister the transformer was erected in front of his house.
- ii) There are suitable vacant places in the same street for erection of the transformer.
- iii) The transformer erected was to supply power to Deivayanai Nagar only and now only, their street loads were also connected to the transformer.
- iv) The transformer is erected in front of the septic tank. Therefore, there is

hindrance in pumping the waste water from the septic tank to the lorry.

v) The proposed source for entry of car has been blocked.

vi) Regarding safety, considerations, he putforth the following

a) fire is emitted from the transformer.

b) The service wire to his service connections was passing through the transformer structure.

c) The transformer erected has bursted twice.

d) The Appellant also argued that erection of transformer in front of his home is human right violation.

10.2 The Respondent putforth the following arguments

i) The transformer was erected in the public road only.

ii) The distance between the house of the Appellant and the transformer structure is 9 feet and there is proper vertical and horizontal clearance between the line and the Building.

iii) The transformer structure was erected in such a manner that it was partially in front of the Appellant's premises and partially in front of the next premises.

iv) The transformer structure is not in front or near the gate of the house.

v) The Respondent informed that the over head service wire has been changed as UG Cable.

vi) Regarding fire emitted from transformer and fire moving from structure to first pole, the Executive Engineer/Guindy informed that there is no such possibility and there was no complaint from other consumers of that area.

Citing the photograph, the Executive Engineer argued that the transformer erected is in safe distance from the Building and conforming to all safety

norms in vogue.

10.3 On a careful examination of the arguments, it is noted that the transformer has been erected in a public road only. Further the distance between the building and the transformer structure is about 9 feet.

10.4 In order to know about the distance required to be maintained between a building and an electric line, we have to refer clause 61(3) (ii) of CEA (measures relating to supply and electric supply) Regulation, 2010. The relevant clause is extracted below :-

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

*xxx xxx xxx*

*(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  
metres upto and including 11,000 volts*

*- 1.2*

*(ii) for lines of voltages exceeding 11000 V  
and upto and including 33000 KV*

*- 2.0 metres*

*(iii) for lines of voltage exceeding 33 KV*

*- 2.0 metres*

*plus 0.3 metre for*

*every 33 KV or part thereof.”*

10.4 On a careful reading of the above clause it is noted that the horizontal clearance between the nearest conductor of a line of voltage exceeding 650 v upto and including 11 KV and any part of a building shall be 1.2 metres (4 feet). As the Respondent argued that the Horizontal clearance between the structure and the building is 9 feet, I am of the view that the transformer is erected in a safe distance from the house.

10.5 As the transformer was erected in a public Road, about 9 feet from the house of the Appellant, I am in agreement with the argument of the Respondent that the transformer was erected in a Public Road with sufficient clearance from the Building of the Appellant and is confirming to safety norms.

**11. Findings on the Second Issue:**

11.1 The Appellant argued that he has raised objection before erection of the transformer in the year 2010 itself. Therefore, the transformer has to be shifted at the cost of licensee.

11.2 The Respondent argued that the transformer was erected in Public Road with sufficient clearance from the house of the Appellant. Therefore, shifting of the transformer could be done only on DCW basis. He has cited regulation 5 (6) of the supply code in support of his argument.

11.3 The Respondent also argued that the way leave for erecting the transformer has also to be arranged by the Appellant in case of shifting it to a new location.

11.4 On a perusal of various correspondences, it is noted that the Appellant has objected for erection of transformer in April 2011 itself.

11.5 It is noted that the transformer was erected in a public road with sufficient clearance from the existing building of the Appellant. As per the photograph submitted it is observed that the transformer is not in front of the existing gate of the Appellant and is away from gate. It is also informed that the transformer structure was partially in front of the Appellant's plot and partially in front of his neighbour plot. Therefore, it is construed that the licensee has erected the transformer in such way that it is not exclusively blocking one

persons frontage. If everybody objects erection of transformer structure, pole or line in front of their plot in a public road, then the licensee may find it difficult to get any place for erection of poles, transformers pillar etc., that are essentially required for maintaining supply to consumers. The main criteria to be taken care is that it should not be erected in front of the existing gate or hindrance to the vehicle movement in the street and conforming to safety standards. Therefore, the objection that are genuine in nature alone could be taken into consideration at the time of erection of any equipments. As the transformer was erected in a public road with safe distance from the Appellant's house and away from the existing gate of the Appellant's house. I am of the view that objections are not sustainable. Further, raising a issue after 5 years from the date of erection is also not conforming to regulation 17(4)(b) of the Regulations for CGRF & Electricity Ombudsman.

11.6 As the Respondent has cited regulation 5(6) of the Supply Code, the relevant regulation 5(6) of the Supply Code is extracted below:-

*"5. Miscellaneous charges*

*xx xxx xxx xxx*

*(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. The estimate will cover the following:*

*(i) Materials dismantled in the old site and reusable shall be used in the new site as far as possible.*

*(ii) 10% of the present value of the dismantled and reusable materials towards charge for dismantling and charges for loading, unloading, transport to the new site/store.*

*(iii) Cost of the new materials required for the shifting work.*

*(iv) Add 5% of the cost of new materials towards loading, unloading and transport to new site.*

*(v) Add 10% of the present value of all the materials to be erected in the new site towards erection charges*

*(vi) .5% of the present value of retrievable scrap materials towards transport charges.*

*(vii) Due credit shall be given to the consumer /applicant as below but however limited to the total estimated cost of new work:*

- (a) *Book value /written down value subject to a minimum of 20% of the cost of retrievable and reusable materials but not used in the new site.*
- (b) *Scrap value on the retrievable but not reusable materials at not less than 10% of its original value.*
- (viii) *After completion of the work a revised estimate shall be prepared with a copy to the consumer based on the actual cost of materials, loading, unloading, transport and erection charges. If the original estimate cost is more than the revised estimate, the balance shall be refunded to the applicant/consumer within 3 months. If the original estimate cost is less than the revised estimate, the difference shall be collected from the applicant/consumer.*
- (2) *Temporary dismantling and re-erection or shifting of a service connection within the same premises necessitated due to remodeling of premises will be carried out on payment of the required charges for the same.*
- (3) *Shifting of an existing service connection involving change in door number or sub-door number or survey field number, shall be considered as a new service connection only.*
- No shifting of an existing service connection is permissible unless all arrears in the service connection are paid, if so demanded by the Licensee.”*

11.5 On a careful reading of the said regulation 5(6) of the supply code, it is noted that the cost of shifting of service / line / structure and equipments shall be borne by the consumer who sought for such shifting. The estimate for the shifting has to be prepared as detailed in the regulation and a copy has to be served to the consumer. The work can be taken up only after the payment is made.

11.6 As per regulation 5(6) of the Supply Code, the transformer structure could be shifted if the Appellant / consumer is agreeable to bear the expenditure towards shifting of the transformer.

11.7 Further, the shifting of structure or line could be taken up by the licensee only if it is technically feasible and there is way leave for erection in the alternate site / route.

11.8 In view of the above, it is held that the transformer structure could be shifted to a new place if the Appellant is agreeable to bear the estimate cost subject to technical feasibility and way leave for erection in the alternate site.

**12. Conclusion:**

12.1 .In view of my findings in para 10 & 11 on first and second issue. I am unable to interfere with the orders of CGRF of Chennai Electricity Distribution Circle / South.

12.2 With the above findings the AP. No. 27 of 2017 is finally disposed of by the Electricity Ombudsman. No Costs.

**(A. Dharmaraj)**  
Electricity Ombudsman

To

1) Thiru Mu. Baalakrishnan,  
(Under Secretary to Government Rtd.)  
1/82, 12<sup>th</sup> Street, Karthikeyapuram,  
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Chennai – 600 091.

2) The Superintending Engineer,  
Chennai Electricity Distribution Circle / South I,  
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110 KV SS Complex,  
K.K. Nagar,  
Chennai– 600 040.

3) The Chairman & Managing Director,  
TANGEDCO,  
NPKRR Maaligai,  
144, Anna Salai,  
Chennai – 600 002.

4) The Chairman & Managing Director,  
TANGEDCO,  
NPKRR Maaligai,  
144, Anna Salai,  
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5) The Secretary,  
Tamil Nadu Electricity Regulatory Commission,  
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6) The Assistant Director (Computer) – For Hosting in the TNEO Website.  
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