



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. 14 of 2023

Thiru V.Raguram,
Plot No.56, M.S.Dhoni Street,
S.P. Avenue, Poonamallee,
Chennai – 56.

..... Appellant
(Thiru V.Raguram)

Vs.

The Executive Engineer/O&M/Porur,
Chennai Electricity Distribution Circle/South-I,
TANGEDCO,
110/33 KV SRMC SS Complex,
Porur, Chennai - 600 116.

..... Respondent
(Thiru V.Manickavelan, EE/O&M/Porur
Rep by Thiru T.N. Rajeshwaran, Advocate)

Petition Received on: 06-02-2023

Date of hearing: 24-04-2023

Date of order: 05-05-2023

The Appeal Petition received on 06.02.2023, filed by Thiru V.Raguram, Plot No.56, M.S.Dhoni Street, S.P. Avenue, Poonamallee, Chennai – 56 was registered as Appeal Petition No. 14 of 2023. The above appeal petition came up for hearing before the Electricity Ombudsman on 24.04.2023. 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 new pole fixed to its original place.

2.0 Brief History of the case:

2.1 The Appellant has requested to remove the new pole that was fixed in the middle of the road and fix it in the old/appropriate place as it will cause major transport issues to the public.

2.2 The Respondent has stated that the pole was shifted very close to the storm water drainage concrete and will not hinder the movement of vehicle on the road.

2.3 Since the grievance was not settled with the Respondent, the Appellant filed a petition with the CGRF of Chennai Electricity Distribution Circle/South-I on 10.11.2022.

2.4 The CGRF of Chennai Electricity Distribution Circle/South-I issued an order on 06.12.2022. Aggrieved by 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 06.12.2022. The relevant portion of the order is extracted below: -

“Order: (Operative portion)

From the photo given by the petitioner during the meeting, it was found that the pole was shifted very near to storm water drainage concrete and it was not hindrance to the movement of vehicle on the road.

Hence there is no need to shift the pole to any other location.

The Assistant Executive Engineer /O&M/Poonamallee is directed to furnish a copy of sanctioned estimate of this work to petitioner and submit the acknowledgment of the petitioner to this forum.

With this direction, the petition 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 24.04.2023.

4.2 The Appellant, Thiru V.Raguram attended the hearing and put forth his arguments.

4.3 The Respondent, Thiru V.Manickavelan, Executive Engineer/O&M/Porur of Chennai EDC/South-I and his representative Thiru T.N. Rajeshwaran, Advocate attended the hearing and put forth their 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 EB officials fixed a new electric pole in favor of one of the consumer's request. The pole is fixed in the middle of the road, 4 feet away from the current pole position. This will cause major transport issues for the public and hinder the movement of heavy vehicles such as septic tankers, water supply tankers. The road is already narrow and this pole placement will cause many accidents. In the entire street, only this pole is placed 4 feet from the current position. This issue is raised by the residents of entire street and a complaint was submitted to 'the Chairman' – Consumer Grievance Redressal Forum (CGRF) KK Nagar, Chennai -18, on 10th November 2022.

5.2 The Appellant has stated that a hearing of the complaint was held on 23rd November 2022 at KK Nagar office. The discussion was completely in favor of the EB officials and not in favor of the residents of the street. During the hearing, the Appellant requested the estimation copy, sketch and drawing details of the new pole, but the officials replied that they would send it through WhatsApp. However the appellant has not yet received it.

5.3 The Appellant has stated that they received an order from CGRF Chairman on 28th January 2023, stating that there is no hindrance to the public and the shifting of the new pole is not required.

5.4 The Appellant has stated the real problems they are facing due to the new pole and the unsatisfactory actions taken by the EB department. He has requested to kindly consider their issues and necessary actions be taken to ensure public safety and concern.

5.5 The Appellant also sought details of the above estimation, sketch, plan, etc.

6.0 Arguments of the Respondent:

6.1 The Respondent has stated that the appeal filed against order passed by the consumer grievance redressal forum on 06.12.2022. He has stated that the content of the case of the Appellant as follows

“The EB officials have fixed new electric pole in favour of one of the consumer's demand. The pole is fixed towards the mid of the road by 4 feet from the current pole. This activity was already objected by the local residents of the street and the plan was dropped. Now, without considering the public safety the electric pole is fixed. This activity will cause major transportation issues to the public and it will object the movement of heavy vehicles such as septic tanker, water supply tanker, earth moves etc., as this road is already narrow. Also, it will cause many accidents as the pole fixed on the road. Even though they raised issues while fixing it was not considered by them. So, they were bringing that major issue to CGRF and sought prayer to remove the new pole and fix it in appropriate place.”

6.2 The Respondent has stated that he has received letter from Chairman/CGRF on 19.11.2022 and replied as follows; one Mrs.Savithri residing at No.56, S.P.Avenue has registered a complaint to shift one high voltage power pole which she felt to be dangerous to her place and paid the appropriate fees to shifting. The respondent has shifted the pole and erected it close to storm water drainage concrete.

6.3 The Respondent has submitted that at the time of CGRF meeting the petitioner has filed one photo image. The said photo image of the appellant also clearly shows that the pole was erected close to storm water drainage concrete and there is space for movement of vehicle in the road.

6.4 The Respondent has submitted that the orders of CGRF also issued based on the photo given by the petitioner during the meeting, it was found that the pole

was shifted very near to storm water drainage concrete and it was not hindrance to the movement of vehicle on the road. Hence there is no need to shift the pole to any other location. The CGRF has directed to furnish a copy of sanctioned estimate of this work to the petitioner and submit the acknowledgement of the petitioner to this forum. With this direction, the petition treated as closed.

6.5 The Respondent has submitted that the averments in this paragraph no.2 of the appeal are specifically denied and Petitioner is put to strict proof of the same. The averments in these paragraphs are fallacious and invented. The respondent states that the direction of the CGRF that the copy of sanctioned estimate of this work is only sent to the petitioner and submit the acknowledgement of the petitioner to the CGRF forum. The respondent sent the sanctioned estimate of this work to petitioner as per direction of CGRF by speed post with acknowledgement card on 17.03.2023.

6.6 The Respondent has stated that the above appeal is factually and legally not maintainable and there is no loss or damage or inconvenience caused to the petitioner. For these reason, the appeal deserves to be dismissed.

6.7 The Respondent has prayed to dismiss the appeal as devoid of merits and thus render justice.

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) Whether an existing pole can be shifted based on a consumer's request?
- ii) Whether an electric pole can be erected in a public place?
- iii) Whether the pole erected now is as per safety regulations?

8.0 Findings on the First issue:

8.1 The Appellant has stated that the EB officials have fixed new electric pole in favor of one of the consumer's request, which is in the middle of the road by 4 feet from the current pole position.

8.2 The Respondent has stated that the consumer Tmtty.Savithri, has requested to shift the existing pole which was located very close to their house under DCW basis, considering the safety aspects of her future plan of construction of her house. Hence necessary estimate was evolved under DCW and after payment of charges the pole was shifted to a new location as per the estimate.

8.3 To decide on the issue of consumer's request to shift the pole to another location under DCW, I would like to go through the Rule 5(6) of the Tamil Nadu Electricity Supply Code to know the charges for shifting of electric pole/line to another location. The said rule is given below.

"5. Miscellaneous charges

(1) xxxxx

(2) xxxxx

(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."

8.4 From the above, it is noted that when a consumer requests to shift a service/line, the cost of shifting service/line shall be borne by the consumer. The consumer shall pay the estimated cost of shifting in advance in full and the shifting work will be taken up only after the payment is made.

8.5 In this case the consumer, Tmtty.Savithri, had requested the shifting of a pole under DCW, and after paying the estimated cost, the Respondent carried out the necessary work. Therefore, the Respondent's action of fulfilling the consumer's request to shift the pole is deemed appropriate.

9.0 Findings on second issue:

9.1 To decide on the issue, whether an electric pole can be erected on a public place, I would like to go through the Electricity Act 2003, Section 164 of the Telegraph and Telecommunications Act 1885 in which the Government of Tamil Nadu has issued an order granting permission to the Tamil Nadu Power Generation and Distribution Corporation to carry out all the said powers and erect electric poles and power. The relevant sections of the Act are given below.

“Section 164 (Exercise of powers of Telegraph Authority in certain cases):

“The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.”

9.2 On a plain reading of the above, it is noted that the Appropriate Government may, by order in writing, confer upon the licensee or any other person engaged in the business of supplying electricity under this Act, to the provisions of the Indian Telegraph Act, 1885 for the placing of electric lines or electrical plant for the transmission of electricity. Further, the Government of Tamilnadu vide G.O.(Ms).No.16, Energy (C.3) Department, dated 23.02.2012 has empowered the Tamil Nadu Transmission Corporation Limited and Tamil Nadu Generation and Distribution Corporation Limited to exercise such powers for placing of electric supply lines that a telegraph authority possess under the provisions of Indian Telegraph Act, 1885 under section 164 of Electricity Act, 2003. Since the Government of Tamilnadu has empowered the TANGEDCO to exercise such powers of the telegraph authority, I would like to refer the relevant paras of said Telegraph Act, 1885 which is reproduced below:

“Part III

Power to Place Telegraph Lines and Posts

10. Power for telegraph authority to place and maintain telegraph lines and posts:-

The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:

Provided that:-

- 1. The telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained.*
- 2. The [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and*
- 3. Except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and*
- 4. In the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.”*

9.3 Section 10 of the Indian Telecommunications Act, 1885 above provides power to erect an electric pole or line on any land. As per the above mentioned Indian Telecommunication Act, it is established that the licensee may erect electric poles in public places.

10.0 Findings on the third issue:

10.1 The Appellant has stated that the Respondent has erected the pole at the middle of the road and in the entire street only this pole is placed 4 feet from the current pole position. This will cause major transportation issues to the public and will object the movement of heavy vehicles such as septic tankers and water supply tankers. This road is already narrow and it will cause many accidents to the residents.

10.2 The Respondent has stated that the pole was shifted under DCW and erected very close to the storm water drainage concrete. The other poles in the road were laid before laying of storm water drainage concrete, hence located at the edge of the road. Whereas the pole now shifted on the DCW is erected after laying of the storm water drainage concrete, hence cannot be located in the same position as located earlier. However the pole now erected is very close to the concrete portion thus leaving major portion of the road for public transportation without hindrance to public.

10.3 In this regard, to know about the regulations regarding the distance between the ground and the power line, we have to examine the rule 58 of the CEA (measure relating to safety and electric supply) Regulations 2010. That rule is given below.

“58. Clearance above ground of the lowest conductor of overhead lines.-

(1) No conductor of an overhead line, including service lines, erected across a street shall at any part thereof be at a height of less than-

*(i) for lines of voltage not exceeding
650 Volts - 5.8 meters*

*(ii) for lines of voltage exceeding 650 Volts
but not exceeding 33 kV - 6.1 meters*

(2) No conductor of an overhead line, including service lines, erected along any street shall at any part thereof be at a height less than-

*(i) for lines of voltage not exceeding
650 Volts - 5.5 metres*

*(ii) for lines of voltage exceeding 650 Volts
but not exceeding 33 kV - 5.8 metres*

(3) No conductor of an overhead line including service lines, erected elsewhere than along or across any street shall be at a height less than –

*(i) for lines of voltage up to and including
11,000 Volts, if bare - 4.6 metres*

*(ii) for lines of voltage up to and including
11,000 Volts, if insulated - 4.0 metres*

*(iii) for lines of voltage exceeding 11,000 Volts - 5.2 metres
but not exceeding 33 kV”*

10.4 When we read the above rules closely, we know that the vertical clearance between the ground area and the installed electrical line should be 5.8 meters. In this case the Respondent has stated that the pole erected is 9 meters and there is a sufficient ground clearance of 7 meters. Hence as per CEA regulations the clearance is found adequate.

10.5 The Appellant claimed that the pole was placed in the middle of the road, causing transportation issues for heavy vehicles. However, upon examining the counter documents submitted by the Respondent, it is observed that the pole was erected at the edge of the storm water drain alignment, which runs along the route, and not closer to the Appellant's house. Furthermore, the newly shifted pole was not in the middle of the road, but at the edge of the alignment, as seen in the exhibit. It is impossible for the pole to be erected within the storm water duct as it would impede the flow of drain water. The present shifting of the pole has been carried out based on the request of Mrs. Savithiri, residing at 56 S.P. Avenue under DCW, who expressed safety concerns about the existing pole's proximity to her future construction activities. The Respondent shifted the pole to a nearby location, along the existing HT/LT alignment and at the edge of the new storm water drain construction, ensuring technical feasibility and safety. Therefore, it is found that the new pole is erected opposite the Appellant's premises, not in the middle of the road, and at an adequate distance as per safety regulations. Further, the respondent is instructed to provide the details sought by the Appellant as per para 5.5.

11.0 Conclusion:

11.1 As per my findings in para 8, 9 and 10 above, I am of the view that the shifted pole is found to be erected and spaced adequately as per safety regulations. It is also known that the work was carried out in accordance with the regulations. Therefore the claim of the appellant is not tenable.

11.2 With the above findings A.P.No.14 of 2023 is finally disposed of by the Electricity Ombudsman. No Costs.

(N.Kannan)
Electricity Ombudsman

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

To

1. Thiru V.Raguram, - By RPAD
Plot No.56, M.S.Dhoni Street,
S.P. Avenue, Poonamallee,
Chennai – 56.

2. The Executive Engineer/O&M/Porur,
Chennai Electricity Distribution Circle/South-I,
TANGEDCO,
110/33 KV SRMC SS Complex,
Porur, Chennai - 600 116.

3. The Superintending Engineer, - By email
Chennai Electricity Distribution Circle/South-I,
TANGEDCO,
110KV SS Complex, K.K.Nagar,
Chennai-600 078.

4. The Chairman & Managing Director, – By Email
TANGEDCO,
NPKRR Maaligai, 144, Anna Salai,
Chennai -600 002.

5. The Secretary, – By Email
Tamil Nadu Electricity Regulatory Commission,
4th Floor, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate, Guindy,
Chennai – 600 032.

6. The Assistant Director (Computer) –**For Hosting in the TNERC Website**
Tamil Nadu Electricity Regulatory Commission,
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