



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. 60 of 2023**

Tmy.S.Helen Clarrisa,  
236, D-2, Sangeetha Apartments,  
8<sup>th</sup> Cross Street, Ganesh Avenue,  
Sakthi Nagar, Porur, Chennai – 600 116.

. . . . . Appellant  
(Tmy.S.Helen Clarrisa)

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)

**Petition Received on: 14-08-2023**

**Date of hearing: 18-10-2023**

**Date of order: 31-10-2023**

The Appeal Petition received on 14.08.2023, filed by Tmy.S.Helen Clarrisa, 236, D-2, Sangeetha Apartments, 8<sup>th</sup> Cross Street, Ganesh Avenue, Sakthi Nagar, Porur, Chennai – 600 116 was registered as Appeal Petition No. 60 of 2023. The above appeal petition came up for hearing before the Electricity Ombudsman on 18.10.2023. 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 remove the electric transformer placed at the entrance of her house and place it in another place.

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

2.1 The Appellant has prayed to remove the electric transformer placed at the entrance of her house which was erected without following the safety norms and without her consent.

2.2 The Respondent has stated that the transformer structure was erected on the public Corporation road and there were no hindrances to the public and the petitioner building. The existing transformer can be shifted under DCW scheme on payment of necessary charges.

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 31.05.2023.

2.4 The CGRF of Chennai Electricity Distribution Circle/South-I issued an order on 21.07.2023. 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 21.07.2023. The relevant portion of the order is extracted below: -

**“Order:**

*From the findings, it is found that the site was inspected by the Assistant Executive Engineer/O&M/Porur and found that there is adequate clearance available between the Distribution Transformer and the petitioner’s house.*

*Hence the forum directs the petitioner to apply under Deposit contribution works (DCW), if the petitioner wants to shift the Distribution transformer.*

*With this direction, 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 scheduled on 12.10.2023. As per the request of the Appellant vide letter dt. 20.09.2023 to postpone the hearing, scheduled hearing was postponed and conducted on 18.10.2023 in person.

4.2 The Appellant Tmy.S.Helen Clarrisa attended the hearing and put forth her arguments.

4.3 The Respondent Thiru V. Manickavelan, EE/O&M/Porur of Chennai Electricity Distribution Circle/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 during the year 2006, an electric transformer was installed at the entrance of her house, not able to go inside and come out of the house. On 10.10.2006 a complaint letter was given to AE, porur 2 and he replied to show another place to install electric transformer (ref no /porur 2/tnsb south no 482/06 dated 03/11/2006). She has stated that she pleaded it is not possible for her to find another place and when we questioned, without our consent and NOC it has been erected, he started shouting and told to get out inspite of our regular request no one has responded these years leaving us to live with electrical transformer hazards like carcinoma, fire, flashes and mental agony.

5.2 The Appellant has stated that she bought the house mainly for east facing entrance (as per vastu) and since flashes, fire fall and projectile happened continuously she had to erect a temporary wall with window to go inside the house

and come out of the house without walking on kneels and to put a north facing entrance which is not auspicious, waiting TNEB will save them by removing the electric transformer not complying with safety protocol.

5.3 The Appellant has stated that again on 14.4.2023, TNEB team were digging in front of her house without her consent and when she called AE and objected to install another version of transformer he started shouting that she was disturbing his work and in person he was giggling with 2 other men when the Appellant pleaded him to stop and change the transformer to another place. She has stated that the AE told that she could not have built the house as per the plan.

5.4 The Appellant has prayed to remove the electric transformer placed at the entrance of her house and place it in another place which was erected without following the safety norms and without her consent.

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

6.1 The Respondent has stated that the facts of the case on the basis of the shifting of the Distribution Transformer with RMU in adjacent to the petitioner building.

6.2 The Respondent has stated that the allegations made by the petitioner, it is possible to Shift the outdoor transformer structure with RMU only under DCW basis. The 250 KVA SS Distribution Transformer Structure which the Petitioner is requesting to shift was erected along the Public Corporation road with no hindrances to public movement before the year of 2006, outside to the petitioner building in eastern side with clearance of 5 feet from the building. The 250 KVA DT is feeding more than 300 consumers including petitioner's building having 21 nos. service connections. In this existing Service Connection number 231-026-783 was effected on 30.01.2004 in the name of Tmtty Rajam. The name was transferred from Tmtty Rajam to Tmtty S.Helen Clarrisa on 14.02.2019.

6.3 The Respondent has stated that on 14.04.2023 the conversion of OD to RMU scheme, the special type structure with RMU was erected and commissioned with adequate clearance between the transformer and the building and also the RMU had been erected in the same location without any deviation of existing OD Structure. At the time of erecting the OD to RMU there was no objection raised by the petitioner.

6.4 The Respondent has reported that there is 5 feet clearance between the existing Distribution Transformer with RMU which was erected in the east side of the Petitioner's building and it has been noticed that there is no gate utilization of petitioner in the East side. The Main Gate was erected only in the North Side of the Petitioner's building. The petitioner was extended the building after erecting the existing Distribution Transformer. Hence the Distribution Transformer with RMU can be shifted only under Deposit Contribution Works (DCW) schemes on payment of necessary charges and based on the alternate space availability for shifting the RMU with DT.

6.5 The Respondent has prayed to pass an order to dismiss the above petition in Appeal Petition No. 60 of 2023 with costs 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) What are the existing regulations that ensure the clearance between the transformer structure and the nearby building?
- ii) Whether the existing clearance between Appellant's building and the transformer structure is as per the regulations?
- iii) Whether the Licensee is empowered to erect electric lines / transformer in public places?
- iv) Whether the Appellant's prayer to shift the transformer to another location is feasible?

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

8.1 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 0.3metre 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.”*

8.2 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.

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

9.1 The Appellant has stated that during the year 2006 an electric transformer was installed at the entrance of her house. She has stated that well before installation she had requested to relocate it. But deliberately it was installed and

commissioned. This causes main hindrance for her movement to her house. She had bought that house mainly for the east facing entrance as per vastu and since the transformer was erected in front of her house she has erected a temporary wall with window and put a north facing entrance which is not auspicious.

9.2 The Appellant has stated that there were flashes, fire ball and projectile happened continuously and considering the safety aspects and vastu compliant for east facing house has prayed to shift the transformer which has been erected in front of her building without her consent to some other place without any cost, to ensure the safety.

9.3 The Respondent has stated that the 250KVA distribution transformer was erected along the public corporation road with no hindrance to the public movement before the year 2006. The above transformer is feeding more than 300 consumers including the appellant's building comprising of 21 service connections. The said DT structure is erected in public road in such a way that there is a 5 feet distance between the Appellant's apartment (compound wall) and the said structure. The appellant has extended the building after erecting the existing distribution transformer.

9.4 The respondent further stated that on 14.04.2023 conversion of OD to RMU scheme was carried out for conversion of existing outdoor type DT structure to special type structure with RMU was erected and commissioned with adequate clearance between the transformer and the building and also the RMU has been erected in the same location without any deviation of the existing OD structure.

9.5 The RMU (Ring Main Unit) type arrangement offers distinct safety advantages over open structure distribution transformers. Enclosed within robust metal enclosures, RMUs provide protection against environmental factors and minimize accidental contact with live parts, thus reducing the risk of electric shocks. This design also ensures enhanced protection from adverse weather conditions, including rain, snow, and high winds. With improved insulation and grounding

mechanisms, RMUs effectively minimize electrical leakage and potential short circuits. Their tamper-proof structure enhances safety by reducing the risk of unauthorized interference or accidents caused by human error.

9.6 Upon investigation into the clearance between the Appellant's building and the 250KVA Transformer structure, it has been revealed through the documents provided by the Respondent that there is a clearance of 5 feet (1.524 meters). This distance exceeds the requirement specified in the CEA regulations, which mandate a clearance of 1.2 meters. Hence it is concluded that the existing DT structure in the RMU was erected at public place with adequate clearance in all respects without compromise on safety.

9.7 Further it is ascertained that the RMU (Ring Main Unit) erected over the already existing conventional DT structure and it is noted that the conventional outdoor DT structure with exposed live parts such as AB switch, live bus structure was completely replaced with modern outdoor RMU cubicles without any live parts and the only DT bushing live parts is erected with safety clearance at the same location in public place is found in order.

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

10.1 To decide on the issue, whether an electric pole / transformer 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.”*

10.2 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.”*

10.3 Section 10 of the Indian Telecommunications Act, 1885 grants the authority to install electric poles, lines, or equipment on any land. According to the aforementioned act, licensees have the right to install electric equipment in public areas. It is important for the appellant to comprehend that electricity structures and lines are placed alongside roads, ensuring necessary safety clearance, in order to provide electricity to the general public. This is vital for sustaining the everyday functioning of households, offices, and industries. Merely objecting without valid grounds to relocate or refrain from erecting electrical pathways in public spaces should not undermine the licensee's obligatory duty to serve society by providing electricity.

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

11.1 The Appellant has prayed to remove the DT structure and place it in such a way that there will be an adequate clearance between her building and the lines as per TANGEDCO norms. However from the documents submitted by the Respondent it is evident that the transformer is erected in public place with all safety measures and adequate clearance.

11.2 To decide on the issue of Appellant's prayer to shift the transformer to another location at the Licensee's cost, I would like to go through the Rule 6 of the Tamil Nadu Electricity Supply Code to know who is liable to bear the assessment cost of transformer structure relocation. 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.”*

11.3 From the above, it is noted that the cost of shifting service / line structure and equipment shall be borne by the consumer. Hence the consumer shall pay the

estimated cost for shifting in advance in full and the shifting work will be taken up only after the payment is made.

11.4 From the foregoing paras, I am of the opinion that the prayer of the Appellant to shift the existing transformer structure which was erected in the public road as per safety clearance from its present location to some other location is feasible only under Deposit Contribution Work (DCW) as per Regulation 5(6) of the TNE Supply code. In view of the above, the prayer of the Appellant to shift the transformer structure to another location at the Licensee's cost is not feasible.

## **12.0 Conclusion:**

12.1 From the findings in para 8, 9, 10 and 11 above, I am of the view that the RMU DT structure is erected in the public road with adequate safety clearance in the same location of the previously placed conventional structure.

12.2 Hence, the Appellant's request to relocate the RMU transformer structure, which was erected with proper safety clearance, at the Respondent's cost for relocation is not feasible of compliance. However, if the Appellant still wishes to relocate the structure, she may contact the Respondent with a requisition for shifting the DT structure on DCW basis and the Respondent shall examine the request of the Appellant and take necessary action subject to technical feasibility.

12.3 With the above findings A.P.No.60 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

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- By RPAD

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4. The Chairman & Managing Director,  
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5. The Secretary,  
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