



TAMIL NADU ELECTRICITY OMBUDSMAN

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Present : Thiru A. Dharmaraj, Electricity Ombudsman

Appeal Petition No. 13 of 2015

Tmt.Chitra Srinivasagopalan,
41/19, 2B Sorrento Sai Sakthi,
Umapathi Street, West Mambalam,
Chennai – 600 033.

..... Appellant
(Represented by
(Thiru. S.T. Srinivasagopalan)

Vs.

The Superintending Engineer,
Chennai Electricity Distribution Circle / Central,
TANGEDCO,
110 KV, Valluvarkottam SS Complex,
No.97, M.G.R. Salai,
Chennai – 600 034.

..... Respondents
(Rep by Thiru. P. Selvaraju,
Assistant Executive Engineer/West
Mambalam-I)

Date of hearing : 29.4.2015

Date of Order : 5.06.2015

The appeal petition dated 27.01.2015 filed by Tmt.Chitra Srinivasagopalan was registered as Appeal Petition No.13 of 2015. The above appeal petition came up for hearing before the Electricity Ombudsman on 29.04.2015. Upon persuing the appeal petition, counter affidavit of the Respondent and after hearing both sides, the Electricity Ombudsman passes the following order:

ORDER

1. Prayer of the appellant:

The Appellant prayed either to shift the transformer erected near her house or to replace the same with the closed box typed transformer.

2. Brief history of the case:

2.1 The Appellant filed a petition before the CGRF to shift the transformer erected near her house due to safety considerations.

2.2 The CGRF of Chennai EDC / Central in order dated 06.12.2014 has rejected the petition of the Appellant stating that the transformer is located in a safe location and shifting or replacing the same as RMU will be considered if she is willing to bear the entire cost of shifting of transformer/replacement as RMU.

2.3 Aggrieved over the above orders of CGRF, the Appellant filed her appeal petition before the Electricity Ombudsman.

3. Contentions of the Appellant:

The Appellant has contended the following in the appeal petition.

(i) She is sorry to mention that the human aspect of the problem has not been considered. As mentioned in her original petition and also as explained in person to CGRF, the transformer is hardly two meters close to their bedroom.

(ii) They could hear and see the loud noise; fire sparks and bursts throughout the day and night. This is a serious threat to her family especially considering the small children.

(iii) The location of the transformer was decided without the consent or knowledge and with utter disregard to the safety of the occupants. Therefore,

the location of transformer either needs to be shifted or a closed box type transformer replaced with the present one.

(iv) They are under constant threat due to the proximity of the transformer. They are pushed to the state of living in permanent danger to their lives.

(v) She appealed to the Tribunal to give protection to their lives from being affected by the transformer. The lives of her children are at stake on account of the risks involved.

(vi) The transformer is not there for her exclusive use. It is serving the entire community. As such she cannot be penalized to risk the lives of her family members nor asked to bear the cost of shifting.

(vii) Even essential repairs such as painting etc are not being able to be made on account of the close proximity of the electrical unit being endangering to human lives and her flat is getting damaged.

(viii) Despite the letter from CGRF and all assurance to reduce the load, they could not see any difference in the amount of spark and thunder. On the contrary, this is only increasing now and they are spending sleepless nights over this.

4. Contentions of the Respondent:

4.1 Based on the Consumer representation, the site was inspected and found the existing location itself is a safe location and no better location is available there. Any how if the consumer is willing to pay the entire cost of shifting (or) for conversion into RMU as requested, then necessary estimate will be prepared and processed.

4.2 Moreover Transformer was Maintained and studied the load condition and found that load of 160 amps which is below 60% of full load capacity of 250KVA transformer.

5. Hearing held by the Electricity Ombudsman

5.1 In order to enable the Appellant and the Respondents to putforth their arguments in person a hearing was proposed on 15.04.2015. The appellant has not attended the hearing on the above date. In order to enable the

appellant to putforth her argument in person, a hearing was conducted on 29.04.2015.

5.2 Thiru.S.T.Srinivasagopalan husband of the Appellant attended the hearing on 29.04.2015.

5.3 Thiru.P.Selvaraj, Assistant Executive Engineer, West Mambalam attended the hearing on both dates and putforth his arguments.

6. Argument putforth by the Appellant on the hearing date

6.1 Thiru.S.T.Srinivasagopalan, represented the Appellant and putforth his arguments. He reiterated the contents of the Appeal Petition.

6.2 He argued that the transformer erected is very near to their bedroom and abnormal sounds were heard and sparks are also noticed often. Hence argued that it is dangerous and serious threat to his family.

6.3 He informed that the TNEB is replacing the existing transformers by a box type transformer in certain locations in the public roads. Citing the above, he argued that the transformer in their premises may also be changed.

6.4 He also informed that the transformer was erected for the benefit of number of consumers. Hence the appellant shall not be asked to bear the cost of shifting of transformer to a new location.

7. Arguments putforth by the Respondent on the hearing date:

7.1 Thiru.P.Selvaraju, AEE / West Mambalam-I attended the hearing and putforth his side arguments. He reiterated the arguments given in the counter.

7.2 The AEE informed that the above distribution transformer was erected in the land allotted by the owners of the premises.

7.3 He also argued that the transformer was erected giving due consideration of safety rules and it is erected in a safe distance away from the building.

7.4 He also informed that the load of the above transformer is about 60% of the rated capacity.

7.5 He also informed that RMU could be erected in the above location if consumer is willing to bear the estimate cost for changing the existing

transformer structure as RMU. He also informed that RMU are erected in certain locations based on the necessity & technical consideration.

7.6 He also informed, that the transformer could be shifted to other suitable location within the premises if the Appellant arrange for way leave and agree to bear the cost of shifting.

7.7 The AEE also agreed to measure the horizontal distance between the Appellants building and the transformer in the presence of the Appellant or her representative to confirm that it is erected as per rules.

8. Findings of the Electricity Ombudsman:

8.1 The prayer of the appellant is to shift the transformer erected near her house or change it as a box type transformer (i.e) RMU.

8.2. On a careful consideration of the rival submission, it is noted that the following are the issues to be considered.

- (i) Whether the transformer erected is having the required clearance from the building ?
- (ii) Who has to bear the cost for shifting of the transformer or converting it as RMU?

9. Findings on the first issue

9.1 The Appellant argued that the transformer is very nearer (hardly 2 metres) to her bedroom and loud noise, sparking bursts are observed very often. Citing the above, the Appellant argued that it is not erected in a safe place and considering the safety aspects she argued that it is to be shifted to a safe location or replaced by a closed type transformer.

9.2 The Respondent argued that the transformer is erected in a place given by the premises owners and is in a safe location and is having required clearance of 1.2 metres from the building. However, if the Appellant wants to shift the transformer she has to bear the entire cost of shifting the transformer to a new location and also arrange for way leave to erect the transformer.

9.3 As the Appellant has argued that she is requesting shifting of transformer based on safety consideration. I would like to refer clause 80 of Indian Electricity Rules which is extracted below:

“80. Clearance from buildings of high and extra high voltage lines

(1) xxx xxx xxx

xxx xxx xxx

(2) 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—

(a) for high voltage lines upto and including 11,000 volts 1.2 metres

(b) for high voltage lines above 11,000 volts and up to and including 33,000 volts 2.0 metres

(c) for extra-high voltage lines 2.0 metres plus 0.3 metre for every additional 33,000 volts for part thereof. Explanation.—For the purpose of this rule expression “building” shall be deemed to include any structure, whether permanent or temporary.”

9.4 On a careful reading of the said clause 80(2)(a), it is noted that a horizontal clearance of 1.2 metres shall be maintained between a building and high voltage line of voltage upto 11000 volts.

9.5 In this regard, the clause 61(3) of CEA (measures relating to safety and Electricity Supply) Regulations 2010 is extracted below :

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

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>(i)</i> | <i>for lines of voltages exceeding 650 V upto and including 11,000 volts</i> | <i>-</i> | <i>1.2 metres</i> |
| <i>(ii)</i> | <i>for lines of voltages exceeding 11000 V and upto and including 33 KV</i> | <i>-</i> | <i>2.0 metres</i> |
| <i>(iii)</i> | <i>for lines of voltage exceeding 33 KV</i> | <i>-</i> | <i>2.0 metres plus 0.3 metre for every 33 KV or part thereof.</i> |

9.6 On a careful reading of the said clause 61(3)(1), it is noted that a horizontal clearance of 1.2 metres has to be maintained between a nearest conductor of voltage exceeding 650 V and including 11000 volts and any part of building.

9.7 The horizontal clearance between the live part of the transformer structure and the building was measured by the licensee in the presence of Appellant's representatives and the measured value is 5.5 feet (ie) 1.68 metres.

9.8 As the distance between the live part and the building is more than 1.2 metres, the clearance required between the live part & the building is satisfied. Hence, I am of the view that the transformer erected is having required clearance from the building and this issue is decided in favour of the Respondent.

10. Findings on the second issue

10.1 The Appellant argued that when the board is replacing some of the transformers erected in the public road by RMUs, the same may be done for the transformer erected in their premises also.

10.2 The Appellant argued that the transformer is erected for the benefit of number of consumers and hence she shall not be asked to bear the cost of shifting the transformer or the cost of replacing it by a RMU.

10.3 The Respondent also informed that the Board is changing some of the transformers erected in public road as RMUs considering the necessity and the technical feasibility. However, if the Appellant is willing to bear the estimate cost of replacing the existing the Distribution Transformer by RMU, the same also could be considered.

10.4 He also argued that as per the Supply Code the cost of shifting of a transformer structure has to be borne by the concerned consumer seeking such shifting.

10.5 As the respondent argued that the appellant has to pay the estimate cost of shifting the transformer structure to a new location or the expenditure towards replacement by a RMU, the relevant regulation 5(6) of the Supply Code is extracted below :

“5. Miscellaneous Charges :

XXX XXX XXX
XXX XXX XXX

(6) *Service/line, structure and equipment 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 charges 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.”

10.6 On a careful reading of the said regulation it is noted that the cost of shifting of structure and equipment has to be borne by the consumer and the shifting work will be carried out only after payment is made. The regulation also described the items to be covered in such estimate.

10.7 Hence, the cost of shifting the transformer structure has to be borne by the consumer only if she requests for such shifting. Further, as the consumer is requesting for erection of RMU in place of the existing transformer structure, the consumer has to pay the charges towards replacing the existing transformer structure by a RMU.

11. Conclusion :

11.1 In view of the findings in first and second issues given in the para 9 & 10 above, I am of the view that the Electricity Ombudsman cannot interfere with the order of CGRF of Chennai Electricity Distribution Circle / Central.

11.2 With the above findings, the A.P.No.13 of 2015 is finally disposed of by the Electricity Ombudsman no cost.

(A. Dharmaraj)
Electricity Ombudsman

To

1) Tmt.Chitra Srinivasagopalan,
41/19, 2B Sorrento Sai Sakthi,
Umapathi Street, West Mambalam,
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2) The Superintending Engineer,
Chennai EDC / Central,
TANGEDCO,
110/33 KV Valluvarkottam SS Complex,
M.G.R. Salai, Nungambakkam, Chennai – 600 034.

3) The Chairman,
(Superintending Engineer),
Consumer Grievance Redressal Forum,
Chennai Electricity Distribution Circle/Central,
TANGEDCO,
110/33 KV Valluvar Kottam SS Complex,
MGR Salai, Nungambakkam, Chennai-600034.

4) The Chairman & Managing Director,
TANGEDCO,
NPKR Malaigai,
144, Anna Salai, Chennai – 600 002.

5) The Secretary
Tamil Nadu Electricity Regulatory Commission
No.19A, Rukmini Lakshmi pathy Salai
Egmore, Chennai – 600 008.

6) The Assistant Director (Computer) - **FOR HOSTING IN THE TNEO WEBSITE PLEASE**
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