

THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Smt. Neera Vashistha
W/o Shri B.P. Vashistha
Gyan Lok Colony,
Near Shankracharya Saraswati Ashram
Kankhal, Distt. Haridwar, Uttarakhand

Vs

Executive Engineer,
Electricity Distribution Division (Jwalapur),
Uttarakhand Power Corporation Ltd.
Foundry Gate, BHEL,
33/11 KV Sub Station No. 2,
Jwalapur, Haridwar, Uttarakhand

Representation No. 33/2017

Order

The petitioner Smt. Neera Vashistha has complained that she is aggrieved by the location of the transformer in a part of her plot. For the redressal of this grievance she has approached all levels in the UPCL and finally the Consumer Grievance Redressal Forum, Haridwar zone (hereinafter referred to as Forum). Forum have, in their order dated 25.09.2017, in complaint no. 64/2017, directed that this matter does not fall in their jurisdiction and have dismissed the complaint.

3. The case in brief is that petitioner's residential plot lies on one side of the road from where an 11000 volt line passes. She alleges that from an LT line and pole previously installed, a transformer has been placed within half foot of her boundary wall. In such a situation, the cable and wires from the transformer are coming inside her plot which has substantially reduced the value of the plot and she is unable to dispose it off, which is her need at present. She and her husband approached the lineman, the Junior Engineer, the Assistant Engineer and finally the Executive Engineer but getting no relief they were forced to approach the Forum. However Forum have also not granted her any relief on the grounds that it is beyond jurisdiction.

3. Forum in their order have accepted that the placement of the transformer is such that it is natural for the petitioner to be aggrieved. Since no positive action has been taken by respondent, however Forum have concluded that house/plot owners are entitled to redress their complaints/grievances as per process defined u/s 164 of the Electricity Act, 2003 and The Work of Licensee Rules 2006 CGR217 (e) dated 18.04.2006, framed thereafter. Accordingly Forum held that while the grievance is genuine the power of remedial action does not lie with the Forum as per provisions of the Rules quoted above. Forum therefore dismissed the complaint.
4. The respondent in their written statement have stated that no pole or transformer or any apparatus has been installed on the plot/land of the petitioner. They have further stated that the petitioner may request for shifting of pole/transformer installed in front of her plot but for that she has to make available alternative location for installation of such pole and transformer and has also to bear the cost of such shifting. They have further stated that the case does not pertain to urban distribution division but pertains to EDD, Jwalapur, division. While they accept the judgment of the Forum dated 25.09.2017, they do not agree with the other allegations made by the petitioner and have requested that the petition be dismissed holding Forum's order as correct.
5. Arguments have been heard on behalf of both parties and record available on file has been carefully perused. Forum, on the basis of evidence placed before them, stand convinced that the grievance of the petitioner is legitimate but the forum in which they can seek redress as per The Work of Licensee Rules 2006 CGR 217 (e) dated 18.04.2006, under provisions of section 164 of the Electricity Act, 2003, is not the CGRF and by implication the Ombudsman. A perusal of the notification of the UERC dated 17.01.2007 regulating the provisions for Appointment and Functioning of the Forum for Redressal of Grievances of Consumers in its provisions of regulation 2 (d) reveals what is meant by complaint.

“(d) “Complaint” means the letter or application filed with the Forum seeking redressal of grievances concerning the supply of electricity, new connection or the services rendered by the Distribution Licensee, including alteration in load/demand, meters related matters, bill related issued and cases where licensee has charged price in excess of the price fixed by the Commission or has recovered the expenses incurred

in excess of charges approved by the Commission in providing any electric line or electric plant.”

6. Matters like the one contained in the above complaint where placement of transformer in the property of a private individual is alleged is not expressly covered in the definition of complaint. The finding and order of the Forum is as per relevant Regulations and Rules. There is no cause to interfere with it and the same is upheld. Petition is dismissed.

Petitioner, if she is aggrieved, is free to approach the authorized competent authority under the said Rules namely the District Magistrate concerned, for appropriate action.

Dated: 10.01.2018

(Vibha Puri Das)
Ombudsman