



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: **R. DAMODAR**

Monday, the Eleventh Day of April 2016

Appeal No. 85 of 2015/ 2 of 2016

Preferred against Order Dt. 28 -11-2015 of CGRF In

CG.No: 365 /2015 of Ranga Reddy South Circle

Between

Sri B. Prabhakar, S/o Sri B. Janardhan, H.No 7-4-94, Seetharampet,
Tandur, RR Dist-9502545831.

... Appellant

AND

1. The AE/Operation/T/Tandur/TSSPDCL/RR Dist.
2. The ADE/Operation/Tandur/TSSPDCL/RR Dist.
3. The DE/Operation/Vikarabad/TSSPDCL/RR Dist.
4. The SE/Operation/RR south Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 11.01.2016, coming up for hearing before the Vidyut Ombudsman, Telangana State on 31.03.2016 at Hyderabad in the presence of Sri. B. Prabhakar - Appellant and Sri. G. Shiva Shankar - AE/OP/Tandur Town for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant is a resident of Sitarampet of Tandur, Ranga Reddy District. He requested the Tandur municipality for providing a street light near his house. He claimed that the Tandur Municipality had sanctioned Rs 5,00,000/- and released the amount to the DISCOM for providing necessary poles along with an indent. He alleged that the 1st Respondent/AE/OP/Tandur has not released the sanctioned poles and when demanded, he asked for a separate indent for two poles from Tandur municipality. When the poles for street lights were not provided and street light was

not fixed in spite of sanction of the amount by the Tandur municipality, he (Appellant) preferred a complaint to the CGRF.

2. Before the CGRF, the 1st Respondent/AE/OP/Tandur by letter dt.17.10.2015 stated that the entire colony where the Appellant lives has been fully electrified with street lights and that the place where the Appellant wanted the electrical poles to be erected is a very congested area with less than 7 feet width and 40 meters long, which has electrical poles at both the ends. He attached Photos to the letter. He further stated that when the building clearance is less than 5 feet at the spot, it is not possible to erect poles in the area without causing danger to the public buildings and the traffic.

3. The 1st Respondent further informed the CGRF that a civil court at Tandur (the Mandal legal services authority, Tandur) has appointed a committee for inspection to explore the possibility of pole erection and electrification of the area and the inspection report is still awaited.

4. The Appellant stated before the CGRF that in spite of sanction of amount by the Tandur Municipality to the DISCOM, no action has been taken by the Respondents to fix the street light so far. He prayed for arranging a street light at an early date. He further claimed that the 1st Respondent has earlier promised to replace the air bunched cables with conductor and requested that it may also be arranged.

5. The 2nd Respondent claimed before the CGRF that there is no provision for erection of street light pole in the area of the Appellant and that he needed approval/permission from the Tandur municipality to provide street light in the area along with an indent and payment.

6. After going through the record and hearing the parties, the CGRF passed the following :

“ The complainant is directed to take approval/permission for erection of street lights from the Municipal Authorities for his area, specifically along with the indent and payment to the Respondents for taking further action”

through the impugned orders.

7. Aggrieved and not satisfied with the impugned orders, the Appellant preferred the present Appeal making several allegations including that the Respondents should analyse the distance between the two electrical poles and correct the anomalies. He claimed that there is a four meter wide street where the electrical pole can be erected and that there is darkness during the nights at the proposed place. He claimed that he applied to the Tandur municipality for providing two street lights in his area and the municipality released Rs 5 lakhs with indent that and the 1st Respondent failed to carry out the request. He is seeking a direction for providing street lights in the locality at the places suggested by him.

8. The 1st Respondent submitted a report dt.21.1.2016 to state that Sitarampet Colony was fully electrified with street lights and the place where the Appellant requested for erecting poles is a very congested street 4 meter wide and 40 meter long, which has electrical poles on both sides. He annexed copies of photos with the letter. He further claimed that when the building to building clearance is less than 5 feet, it is not possible to erect new poles causing danger to public buildings and traffic.

9. The 1st Respondent further stated that in Pre Litigation Case No. 2 of 2014 of Mandal legal services authority, Tandur had appointed a committee for inspection to find out the possibility of erecting new poles in the area, which invited a report from the Commissioner, Tandur Municipality stating that the erection of poles is not possible at the spot and that there are street lights in the area.

10. The photographs show a narrow street in the locality, where the Appellant wanted the Respondents to fix street lights with poles.

11. A copy of the inspection report of the Commissioner, Tandur Municipality submitted before the Mandal Legal Services Authority stated that the lane in which the electrical poles are proposed is very congested with 13 feet width and that there is already one street light located in front of the house of the Appellant. There is an underground drainage existing in the lane with 3'-0" width in the center of the road and therefore, only 5'-0" is left on either side of the existing underground drain and therefore, erection of new electrical poles is not feasible. He further stated that this lane is the main approach road when Bhadrappa festival takes place in Tandur and the heavy traffic would be diverted through this lane. If new poles are erected, the pedestrians and vehicle riders would suffer. He significantly reported that the locality people were objecting erection of new electrical poles in the already congested

lane. He claimed that he arranged a sodium vapour lamp in addition to the existing fluorescent tube, so that there would be no problem at night. A sketch map is filed showing the existing electrical poles. A statement of about 8 house owners is filed stating that there is no problem of lighting in the street and that they are not facing any problem and that no poles are required for street lights.

12. In this Appeal, the 1st Respondent filed a letter from about 15 residents of Sitarampet locality stating that they do not want erection of electrical poles in their locality and that they wanted cancellation of any proposal for erection of poles in their street.

13. During the hearing and as a part of mediation, the Respondents were asked as to why the street light poles cannot be fixed. The 1st Respondent represented that when his staff went along with labour to erect 'a pole' for the street light, the locality people opposed it. The Appellant responded saying that the Respondents may take the police help. This response is not appropriate. The efforts at mediation failed and the matter is being disposed of on merits.

14. On the basis of the material on record and arguments, the following issues arise for determination:

- i. Whether the Respondents should be directed to erect electrical pole at the place indicated by the Appellant, in view of the fact that the Tandur Municipality released the requisite fund ?
- ii. Whether the lane where the electrical pole is supposed to be erected is too congested as claimed by the Respondents?
- iii. Whether the locality people who opposed the erection of electrical pole supported by the Tandur Municipality, can be ignored?
- iv. Whether the impugned orders are liable to be set aside?

Issue 1 to 4

15. The Appellant claimed that there is a need for erection of 2/1 electrical pole in his locality, where there is darkness and the people are apprehending crime. Initially the Appellant made a request to the Tandur municipality as alleged by him for fixing electrical poles in the locality and the municipality released Rs 5 lakhs for the purpose and in spite of it, the Respondents failed to erect the electrical poles and fix street lights. The Respondents asserted that the locality is very congested with 4

meters width at the place where the Appellant wanted the street light to be fixed. The Municipal Commissioner, Tandur in a report to the Mandal Legal Services Authority, Tandur in PLC No. 2 of 2014 had clearly claimed that there are two electrical poles at two ends of the lane and there is an under-ground drainage of 3' (feet) width in the center of the lane, leaving 5' (feet) lane on either side, which is not suitable for erection of a new electrical pole. Also for the reason that during the Badrappa festival, the lane is being used as a main approach road and if the pole is erected, the traffic would suffer hugely. His claim is that the locality people are objecting to the erection of a new pole in the subject lane. The 1st Respondent similarly stated information that about 15 locality residents submitted a letter to the 2nd Respondent expressing their opposition to erection of any new electrical pole in the lane. The commissioner of the municipality himself, apart from the locality people, is opposing erection of an electrical pole for a street lamp. The request of the Appellant, who advised the Respondents to take police help in erecting electrical pole, betrays his ignorance about the common facilities and sensitivities of the people of the same locality who would be the probable beneficiaries if the street light is provided, if there is any such need.

16. The congested lane with 5 feet on each side of the median having 3'feet width of underground drainage, is not sufficient and suitable for erecting an electrical pole, which would cover $\frac{1}{3}$ of the lane blocking the passage. It would be also an obstruction for erecting an electrical pole.

17. The request of the Appellant for erecting a pole at the spot indicated by him with the help of police to prevent the locality people for whom the street light would have also catered, is not feasible as claimed by the Respondents. The request of the Appellant cannot be considered and he is not entitled to any relief in this appeal to direct the Respondents to erect an electrical pole for a street light, in the congested lane, which already has two street lights at both ends. It is clear that the lane does not permit erection of an electrical pole as requested by the Appellant, which view is also strengthened by the opposition of the municipality of Tandur and residents of Sitarampet locality of Tandur.

18. The CGRF, instead of deciding whether the electrical pole can be erected in the lane as indicated by the Appellant and whether it is the request of the rest of the locality people and whether the request of the Appellant is feasible in the already congested lane, has in an omnibus manner, passed an order which has no

substance and which gave neither relief nor otherwise refused the request of the Appellant, which is unfortunate. The issues 1 to 4 are answered accordingly.

19. In the result, the Appeal is disposed of holding that :

- a. the request of the Appellant for a direction to the Respondents to erect an electrical pole for street light at the place indicated by him with police help against the opposition of Tandur Municipality and the residents of the locality, is rejected.
- b. the place where the pole is supposed to be erected is found to be too congested and unfit, as it would have reduced the already congested street by further 1 ½ meters, thereby blocking ⅓ of the street.
- c. the impugned orders are not confirmed as they lack clarity and direction

Typed by CCO, Corrected, Signed and Pronounced by me on this the 11th day of April, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. Sri B. Prabhakar, S/o Sri B. Janardhan, H.No 7-4-94, Seetharampet, Tandur, RR Dist-9502545831.
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Copy to:

6. The Chairperson, CGRF(Greater Hyderabad Area), TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda,Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills,Hyderabad.