

**ORISSA ELECTRICITY REGULATORY COMMISSION  
BIDYUT NIYAMAK BHAWAN  
UNIT-VIII, BHUBANESWAR - 751 012**

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Present : Shri B. K. Das, Chairperson  
Shri K.C. Badu, Member  
Shri B. K. Mishra, Member

**Case Nos.08 /2010**

Shri Arjun Charan Mahal ..... Petitioner  
Vrs.  
CEO, NESCO & others ..... Respondents

**In the matter of: Application under S.142 of the Electricity Act, 2003 for non-compliance of order dtd. 13.07.09 passed in Case No.30/09 of the Commission.**

For the petitioner : Shri Arjun Charan Mahal

For the respondents : Shri Dharendra Narayan Naik, Asst.Mang.(Legal),NESCO

**Date of Hearing: 20.07. 2010**

**Date of Order : 06.08.2010**

**ORDER**

The petitioner has filed this case for non-implementation of the order dated 13.07.2009 passed in Case No. 30/2009 by the Commission under S.142 of the Electricity Act, 2003. In Case No.30/09 the petitioner alleged that the licensee – NESCO has not implemented the order of the GRF, Jajpur and also the order passed by the Ombudsman-II regarding shifting of the re-routed 11KV Line which is passing by the site of the his residential house after diversion without following the safety rules by the licensee. In the said case vide para-8, the Commission has observed as follows:-

“The CEO, NESCO, is however directed to enquire the matter about rerouting of the 11KV line as to whether the shifting was done at the economic cost and whether the safety norms were observed. The correctness and justification of the estimate, deposit of the money by Tata Tele Service Ltd. the accounting thereof and the certification of Electrical Inspector before charging of the rerouted 11KV line, if any, be enquired into. The CEO should also take

expeditious action for shifting of the rerouted lines, if necessary, observing the prescribed procedure for the purpose. The report of the compliance be submitted to the Commission on or before 20.08.2009”.

2. In the above order the petitioner was also directed to deposit the arrear amount. Accordingly, the petitioner has deposited the same but the above direction of the Commission has not been complied by the licensee, so he filed this case under S.142 of the Electricity Act, 2003 for penalization and implementation of the above direction of the Commission alongwith a sketch map showing pre and post diversion position of the 11KV line. Prior to diversion of the said 11KV line, it was passing 120-130 feet away from the Tata Tele Service Tower on the Southern side and after diversion it is also passing 70-80 feet away from the said tower on the Western side. The diversion causes no different for the Tata Tele Service Tower, rather the 11KV line became more closer to its tower. The Tata Tele Service Ltd. has taken a very small part of land i.e, 60’x60’ of the larger size plot of Mrs. Saraswati Panda on the Northern side 120’x130’ away from the existing 11 KV line. The 11KV line has not yet been shifted but has been disconnected exactly before the plot of Ms. Bhagaban Biswal, the departmental contractor. The span of the original 11KV line from one pole is still passing alive over the plot of Mrs. Panda. Only one additional pole is used for giving service connection to the said Tata Tele Service Tower, whether as 12nos. additional poles have been used for diversion of the 11KV line. It is therefore, not correct that the diversion of 11KV line was to give power connection to Tata Tele Service Ltd., but only to give pecuniary advantage to Mr. Bhagaban Biswal, the departmental contractor, as well as to harass the petitioner causing threat to his life. The CEO, NESCO in his enquire report has not addressed the pertinent direction of the Commission. So the petitioner – Shri Mahala prayed to the Commission to enquire the pre and post diversion position of the 11KV line and Tata Tele Service Tower by deputing officers of OERC and also of the licensee for spot verification in the presence of the petitioner and adjudicate the matter as deemed fit and proper basing on the enquire report.

3. The representative of NESCO during hearing on 11.05.10 has submitted that the case is limited to the compliance of order dated. 13.07.09 of the Commission passed in Case No. 30/09. As per the interim order dated 27.04.09, the petitioner has not applied for shifting of the re-routed 11KV line as per the prescribed procedure till date. Again the Commission after hearing both the parties had passed the final order on 13.07.09 stating that there is no sufficient reason to proceed further in the matter under S.142 of the Electricity Act, 2003 and had dropped the proceeding. As per the direction of the Commission, enquiry was conducted about the rerouting the 11KV line as to whether shifting was done at the economic cost and whether safety norms were observed. The correctness and justification of the estimate, deposit of money by Tata Tele Service Ltd. accounting thereof and the certification of the Electrical Inspector before charging of the rerouted 11KV line, if any. Accordingly, verification of the line was made with regard to the position of the 11KV line and it is found that the line is passing on the public road by the side of the house of the petitioner and it is not passing on the plot of the petitioner. The Horizontal clearance between the existing 11KV line and the house of the petitioner was about 4feet. The said line was charged after due inspection made by the Dy. Electrical Inspector, Jajapur Road. With regard to the shifting of 11KV line, proper estimate was made at the cost of M/s Tata Tele Service Ltd. and the work was done by a departmental contractor which was duly supervised by NESCO.
4. After hearing the parties 11.05.2010 and perusal of the enquiry reports submitted by the CEO. NESCO, it revealed that the safety norms have not been violated, however, the petitioner vehemently questioned the correctness of the enquiry report and held that undue favour has been shown to the departmental contractor – Mr. Bhagaban Biswal at the cost of avoidable inconvenience to the petitioner. On examination of the single line diagram submitted by the petitioner, the Commission found that there appears to be some element of truth in the submission made by the petition. Hence the Commission directed Director (Engg), OERC and the authorized representative of CEO, NESCO to visit the field and examine in the presence of the petitioner whether shifting of the 11KV

line has been done as per rules and regulations made under the Electricity Act, 2003 and submit the report on or before 30.06.10 specifically responding to the queries indicated in para-7 of the said order dated 11.05.2010.

5. As per direction of the Commission, Director (Engg) and Jt. Director (Engg), OERC, Shri S.K. Upadhyaya, SEEC, Jajpur Road, NESCO, Shri D. Jena, SDO (Elect), Jajpur Road and Shri Mahal the petitioner were present on 23.06.10 in the enquiry whether shifting of the 11KV line has been done as per rules and regulations made under the Electricity Act, 2003 specifically responding to the following queries:-

- (i) Whether original re-routing has been done at economic cost or not?
- (ii) Whether safety measures have been taken or not?
- (iii) What is the length of pre and post 11KV line?
- (iv) Whether the drawing submitted by the petitioner is correct or not and, if so, what was the necessity of crossing the Jajpur-Keonjhar Road NH-215, at 2 places and Dighisahi colony road at one place tangentially to make the re-routed 11KV line very near to the petitioner's residential house?
- (v) Whether re-routing of only 2 spans 11 KV line passing over the plot of Mr. Bhagaban Biswal-the departmental contractor, erection of 12 spans of 11KV line was required, without even any application and deposit of cost of re-routing by Mr. Biswal?

Mr. Mahal was present during the time of enquiry but he left the place before the final writing /typing of the joint enquiry report, which he has not signed. However, the joint enquiry report was submitted, on 24.06.10 after being duly signed by the officers of OERC & NESCO to the Commission. The response to the queries at para 7 of the order of 11.05.2010 is given below:-

- (i) Whether original re-routing has been done at economic cost or not?  
The rerouting was done because the original 11KV line was passing over the private plots, which were then vacant. Later on houses were constructed in those plots (around 15 to 20 plots). There was danger to the houses. Meanwhile Tata Tele Service offered to pay for re-routing of the 11 KV line (in regard to power supply to itself) though the shortest possible route, passing through the public road. Accordingly, NESCO allowed re-routing of the line without any cost to itself and other consumers. The line could not have been re-routed through other

nearby private plots. Hence re-routing has been done at on economic cost because the cost of re-routing is only limited to that in the usage of the material for such re-routing/dismantling. Further, Tata Tele Service i.e, the concerned party has not raised any dispute about the cost estimate made by NESCO [Ref.Rule 82(2) of I.E. Rule 1956]

- (ii) Whether Safety measures have been taken or not?

Through out the length of 11KV line (re-routed), the clearances (both horizontal and vertical) from the ground / adjacent buildings / LT lines are generally adequate. Hence, safety measure have been taken care of. Moreover, the line has been inspected by DEI and certified for charging, thus satisfying the statutory safety requirements. However, the 11KV line span passing near Shri Mahal's house can be aligned in a vertical fashion, instead of the existing horizontal fashion, so that the apprehension about safety concerns of Shri Mahal can be removed. Alternatively, the nearest 11KV bare conductor can also be insulated for the portion near Shri Mahal's house.

- (iii) What is length of pre & post 11KV line?

Length of pre existing 11KV line – 0.25Km

Length of post re-routed 11KV line – 0.33Km which is exclusive of existing 1 span of 11KV line along NH-215 shown to be the part of re-routing /diversion by Shri Mahal. The existing 11KV line along NH goes for a long distance to supply to other consumers along the highway. It may be pertinent to note that Shri Mahal's drawing appears to show the re-routed 11KV line length to be approximately 4-5 times that of the line length of 11KV line before diversion, which is exaggerated.

- (iv) Whether the drawing submitted by the petitioner is correct or not and, if so, what was the necessity of crossing the Jajpur-Keonjhar Road NH-215 at 2 places and Digisahi colony road at 1 place tangentially to

make the re-routed 11KV line very near to the petitioner's residential house?

The drawing submitted by the petitioner is neither to scale nor the road alignment has been shown properly. The approximate drawing as re-drawn after the inspection is enclosed herewith. The crossing of the 11KV line twice through Jajpur Road – Keonjhar NH-215 was done since (i) the span was already existing (ii) it was paid for by Tata Tele Services & (iii) Putting 11 KV poles at the near end of NH would perhaps have required placing stays on the NH side causing inconvenience to public. Similarly, road crossing at Digisahi Road was required as the road is a curvaceous one. Putting it straight would have forced 11KV line to pass over the private houses flouting safety norms for other adjacent structures.

- (v) Whether re-routing of only two spans 11KV line passing over the plot of Mr. Bhagaban Biswal-the departmental contractor, erection of 12 spans of 11KV line was required without even any application and deposit of cost of re-routing by Mr. Biswal?

The old 11KV line was not only passing over Shri Biswal's plot, but also passing over many other adjacent scattered private plot. The re-routed line has required more number of spans /poles due to the curvaceous nature of the road along which it has gone. (There are 11 – 2 existing = 9 spans of 11KV line having total length of 0.33Km in place of the two spans of earlier line of 0.25KV). Further, the re-routed line was constructed by Tata Tele Services at its own accord and cost. Hence, the cost has not been charged to NESCO and other private persons.

6. As seen from the aforesaid statutory provisions, and the enquiry report, we are of the opinion that the shifting of line has been carried out by the licensee largely within the applicable Rules and Regulations, so there is no need to proceed further

in this matter u/S.142 of the Electricity Act,2003 against NESCO. M/s. NESCO is advised to do the necessary adjustment as per the para(ii) of the enquiry report and report the compliance to the Commission within 1 month.

7. Accordingly, the case is disposed of and closed.

Sd/-

**(B. K. Misra)**  
**Member**

Sd/-

**(K. C. Badu)**  
**Member**

Sd/-

**(B.K.Das)**  
**Chairperson**