



BEFORE THE OMBUDSMAN

(Appointed by the Maharashtra Electricity Regulatory Commission under Section 42(6) of the Electricity Act, 2003)

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REPRESENTATION NO. 18 OF 2005 **Shifting of M.S.E.D.C.L.'s Transformer**

Mr. Sudhir Tarachand Wasnik
Plot No. 30, Chhintamani Nagari No. 1,
Besa Road, Manewada,
Nagpur – 27.....

Appellant

Versus

Executive Engineer,
Maharashtra State Electricity Distribution Co.Ltd.,
Mahal Division, Old Shukrawari,
Nagpur.....

Respondent

Present:

Shri W.G. Gorde, Ombudsman

On behalf of the Appellant:

Shri Sudhir Tarachand Wasnik

On behalf of the Respondent:

Shri Dhote, Executive Engineer / Nodal Officer

Date: 25th August, 2005

1. Mr. Sudhir Tarachand Wasnik, resident of plot no. 30, Chhintamani Nagar, Besa Road, Manewada Road, Nagpur is a domestic consumer of the licensee, Maharashtra State Electricity Distribution Co. Ltd. Shri Wasnik (hereinafter called as the Appellant) has filed the representation against the order of Consumer Grievance Redressal Forum at Nagpur Urban Zone rejecting his plea on shifting of the transformer installed adjacent to his residence. The brief details of the case are as under:

2. The representation was received in this office on 21st June, 2005 and registered at Serial No. 18 of 2005. Notice was issued to both the parties to file their say on the points raised in the representation. The Appellant has submitted his say in the case as well as the grounds on which the representation is based. It is contended by the Appellant that nuisance is being caused due to continuous humming sound emanating from the transformer. Despite the fact that sufficient open space was available in the vicinity, the

Maharashtra State Electricity Distribution Co. Ltd. (hereinafter called as Respondent) installed the transformer closer to his house, keeping more distance from the other plots namely plot numbers 26, 27 and 31.

3. The Appellant further says that the Chairman, Consumer Grievance Redressal Forum, Nagpur has not appreciated his viewpoint and more particularly, the possible damage to his health and disturbance of mental peace. It is further alleged that the owner of the plot no. 26 being an electrical contractor who himself carried out the work of installation, has kept more distance from his plot to the transformer and installed it close to the Appellant's premises.

4. The Consumer Grievance Redressal Forum, in its order dated 30th May, 2005 has observed that all the surroundings of the site of the transformer are open areas and there are not many constructions around. The location of Chhintamani Nagar is far away from the city. The Forum observed that the Respondent has obtained the necessary approval from the Electrical Inspector for installation of the transformer. The humming sound of the transformer is its inherent property. The Forum has relied on the Respondent's submission that the transformer in question is electrically safe and sufficient distance as required under the rules is maintained and that the layout of installation is approved by the Electrical Inspector. The Forum observed that there appears no sound reason to shift the transformer as requested by the Appellant.

5. The Appellant has alleged that the owner of the plot no. 26 in the layout is an electrical contractor who, carried out the work of installation and therefore more distance has been left from his plot leading to installation of transformer closer to the Appellant's house.

6. The Respondent filed its say on 12th July, 2005. It is contended that merely because there is a humming sound from the transformer, it cannot be a subject matter of making grievance, particularly, when all the standards and norms for its installation are followed including the distance from the house of the Appellant. The Electrical Inspector visited the spot, inspected the site and was satisfied about the compliance of rules and norms for installation.

7. The Respondent says that the Appellant has miserably failed to make out any case of nuisance due to the humming sound of the transformer. Allotment of the site is the choice of the builder or the promoter of the layout. However, Maharashtra State Electricity Distribution Co. Ltd. also checks the utility and suitability of such land offered for the purpose of installation. Layout of the installation is approved by the Chief Engineer of the Respondent and then by the Electrical Inspector under the Indian Electricity Rules, 1956. The Respondent says that the complaint made by the Appellant appears to be out of some personal grievance against some individual. In the present case, the transformer is installed, not less than 20 feet away from the compound of the Appellant's house which is further away by about 5 feet from the actual construction of the house. Thus, there is a clear distance of over 25 feet between the transformer and the Appellant's house. The compound wall of the house is 9 feet high thereby reducing the

humming sound further that reaches the Appellant's house. With this submission, the Respondent has prayed for rejection of the appeal.

8. The matter was heard on 22nd August, 2005. The Appellant explained his case to say that the transformer is located quite adjacent to his compound wall of the house. It causes continuous humming sound throughout the day and night. The noise becomes more noticeable during the night and it disturbs their sleep and may cause damage to their health. In order to get some relief, he raised his compound wall to nine feet height but the noise disturbance is still there. He brought to our notice during the hearing that the location of the transformer, as shown in the plan approved by the Electrical Inspector should be equidistant from the plot no. 30 and 31, while it is actually installed nearer to his plot no. 30 as compared to plot no. 31, thus, not equidistant from these plots. It was also alleged that despite availability of space, the Respondent located the transformer nearer to his plot and kept large distances from other plots like plot no. 26 and 27. On specific query in this context, he conceded that he is not sure whether this location was chosen to favour some other plot holders as mentioned in his representation.

9. Shri Dhote, on behalf of the Respondent stated that the location plan of the transformer was prepared and the estimate for expenditure was approved by the Chief Engineer. The location plan was then submitted to the Electrical Inspector who approved it vide his letter dated 10th of April, 2003 alongwith the plan. At this point, it was brought to his notice that the location plan did not bear the seal and signature of the authority approving the plan. To this, Shri Dhote responded that the plans are received like that only (without the seal and signature) alongwith the letter of approval. He reaffirmed his stand saying that this is a common practice

10. While explaining the process of obtaining approval to the plan, Shri Dhote stated that the promoter / builder or owner offers a piece of land for locating a transformer. His office then checks the land for its suitability after working out the electrical centre of the load in the layout. On query, whether such exercise was carried out in this case, he replied in affirmative but could not produce any record to demonstrate his point. He was advised to furnish any record in support of his say if available within next 2-3 days or else atleast confirm non-availability of such record quickly. He mentioned that distance between the transformer and the compound wall is not less than 20 feet. It was then brought to his notice that the location plan of the transformer does not show any dimensions or distances proposed to be kept from the adjacent plot boundaries, while the distance between the transformer and the compound wall was 14 feet as per the plan drawn by the Appellant's architect. The Nodal Officer could not give any explanation for this discrepancy.

11. Deposition by the Nodal Officer of the Respondent during the hearing could not bring out clarity to the several aspects of the procedure in preparation and approval of the proposal for installation of transformers. No proper explanation came from him as to why the layout plan showing the transformer location is not signed by the authority approving it. It remained unexplained why the plan does not show any dimensions or distances from the adjacent reference points. The nodal officer also failed to explain or

show the working out of “electrical load centre” of the layout, nor did he submit facts about it as suggested during the hearing.

12. On going through the documents on record and submissions made during the hearing, it is seen that the estimate for the transformer installation, is approved by the Chief Engineer, Nagpur Urban Zone on 21st January, 2003. The Electrical Inspector accorded his approval to the layout on 10th April, 2003 under Rule 63 of the Indian Electricity Rules, 1956 and Section 37 of the Indian Electricity Act, 1910. The layout plan shows the actual location of the transformer as approved by the Electrical Inspector. The approvals were obtained from the Electrical Inspector before commencement of work and thereafter in July 2003, after completion of work.

13. The facts of the case bring out the following issues for consideration:

- a) whether the installation of the transformer was done in accordance with the relevant rules and whether the Respondent has followed the procedure before carrying out the work of installation
- b) whether there is any motive on the part of the Respondent to locate the transformer adjacent to the Appellant’s house in preference to choosing another proper location for the purpose
- c) whether the humming sound of the transformer as it exists, can be taken as a grievance to be dealt under the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003.

14. From the deliberations of the matter, it appears that the net distance between the transformer and the compound wall is around 14 feet. Added to this is around 9.5 feet between the compound wall and house wall of the Appellant. Total distance between the transformer and the actual wall of the house is around 23.5 feet. The Appellant could not prove that this falls short of any statutory and safety requirement. Although their details regarding actual distances are in variance with what is stated by the Appellant, nevertheless, it can be concluded the distance between the house wall and the transformer is 23.5 feet. This is above the minimum requirement specified in the Indian Electricity Rules, 1956. The Respondent has obtained approval to the layout of the installation both before commencement of the work and thereafter, in July, 2003 after completion of the work. This shows that the installation of the transformer has been done in accordance with the relevant rules after obtaining necessary approvals.

15. The Appellant has not furnished anything to prove the allegation that some favour was purposefully shown by the Respondent to the contractor in locating the transformer away from his plot and nearer to the Appellant’s house. No motive can be concluded or taken for granted in the absence of any substantiation.

16. As regards to the humming sound of the transformer, both the parties have conceded that some humming sound emanating from the transformer is quite inevitable. The Forum has also dealt this issue extensively even by visiting the site. It is on record that Chhintamani Nagar itself is an isolated locality from the city. There is not much of construction or activity producing noise in and around the area. As such, the humming

sound as it exists is noticeably felt by the Appellant. This fact is not disputed by anyone. Neither the Appellant nor the Respondent brought out any information regarding the noise level specifications /parameters if any to show any adverse impacts or negativity in locating the transformer. In absence of any such statutory requirement, it cannot be said that the Respondent has breached any rule. Some humming sound is admittedly there. But mere existence of the humming sound in the present circumstances, cannot be taken as a ground for grievance to be dealt within the scope of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003.

O R D E R

1. Installation of the transformer has been done by the Respondent and statutory approval was obtained in accordance with the relevant Indian Electricity Rules, 1956, and there is no breach of Rules on the part of the Respondent.
2. The Appellant failed to prove any motive on the part of the Respondent to locate the transformer close to the Appellant's house in preference to choosing any other proper location for the purpose.
3. Although the transformer in service has inherent natural humming sound, the Appellant failed to prove whether the humming sound violates any Act, Rule or Regulation.
4. The Representation cannot be taken as a grievance to be dealt in accordance with the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 for the above reasons and is therefore rejected.
5. The Forum has extensively dealt the matter and concluded that there is no reason to shift the transformer as requested by the present Appellant. We find no reason to interfere in the said order.

Sd/
(W. G. GORDE)
Ombudsman

Sd/
(S. N. YADWAD)
Secretary