

**Before Maharashtra State Electricity Board's
Consumer Grievance Redressal Forum,
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/021/2005

- Applicant : Shri Sudhir Tarachand Wasnik
Plot No.30, Chintamani Nagari
No.1, Besa Road, Manewada,
Nagpur.
- Non-Applicant : Executive Engineer,
MSEB Mahal Division, (NUZ)
NAGPUR.
- Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 30.05.2005)

The present application is filed before this Forum in the prescribed schedule "A" on 02.05.2005 as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of non-shifting of electricity Transformer erected just adjacent to the compound wall of the applicant's house. According to the applicant, continuous humming sound emanating from the Transformer has been a constant nuisance to the applicant and his family.

The applicant had approached the Internal Grievance Redressal Unit headed by the Executive Engineer, (Adm) in the office of the Chief Engineer, NUZ, MSEB, Nagpur under the said Regulations by the filing his application which was duly received by this Unit on 15.02.2005. However no remedy was provided by this Unit to the applicant within the prescribed period of two months. The applicant there-upon approached this Forum for redressal of his grievance under the said Regulations.

The matter was heard by us on 25.05.2005 when both the parties were present. Both of them were heard by us and documents produced by both the parties are also perused by us.

The site where the Transformer is erected was also inspected by us in the presence of both the parties on 26.05.2005.

After receipt of the grievance application, the non-applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation numbers 6.7 and 6.8 of the said Regulations. The non-applicant,

accordingly, submitted to this Forum his parawise remarks dated 09.05.2005 on 18.05.2005. A copy of this parawise report was given to the applicant's on 25.05.2005 before the case was taken up for hearing and opportunity was given to him to offer his say on this parawise report also.

The applicant has contended that a 315 KVA Transformer erected by M/s. Chintamani Builders here-in-after referred to as the Builders in the open space just adjacent to the compound wall of the applicant's house constructed by him in plot number 30 needs to be shifted from the present site to another open space since the humming sound emanating from the Transformer has been causing nuisance and disturbance to the applicant and his family. The applicant and his family cannot sleep peace-fully in their house and further that humming sound of the Transformer has been causing headache problem to the applicant. The applicant has produced a copy of his application, being application dated 15.02.2005 addressed to the MSEB's Internal Grievance Redressal Unit in the office of the Chief Engineer (NUZ), Nagpur, in which a detailed representation is made by the applicant for shifting of the said MSEB's Transformer. The applicant has stated that he has executed an agreement of development and construction with the Builders as per agreement dated 30.04.2002 a copy of which has also been produced by him. Accordingly, the Builders drew a layout plan and got it sanctioned from the NIT, Nagpur on 15.06.2002. While getting the layout

sanctioned from NIT, Nagpur, the Builders did not specify the space for MSEB's Transformer in the layout plan. The Builders allotted a space for this Transformer close to the plot number 30 of the applicant without his consent. The applicant objected to the installation of the Transformer but the Builders did not pay any attention to his objection. The applicant made an application, being application dated 15.06.2004 addressed to the Builders, pointing out there-in the details of disturbance caused due to the humming sound of the Transformer. The applicant again wrote another application, being application dated 26.07.2004 addressed again to the Builders for shifting of the Transformer and a copy of this application was endorsed to the MSEB's Internal Grievance Redressal Unit, Mahal Division, Nagpur. The applicant further stated that the height of the compound wall was also raised by him from 5 ft. to 9 ft. but still the nuisance of humming sound from the Transformer is still continuing. The applicant had approached the Builders several times requesting them to solve the problem of the humming sound of the Transformer and also for shifting of the Transformer. However, no action has been taken to shift the Transformer to other distant place either by the Builders or by MSEB. The applicant has stated that the Builders had informed the applicant while entering into an agreement that a garden will be provided in this open space but the Builders erroneously allotted this space for MSEB's Transformer without his consent close to the compound wall of his house in plot number 30 contrary to the promise given by the

Builders. The space between plot number 30 and 27 where the Transformer is erected was reserved as an open space while sanctioning the layout plan by NIT, Nagpur. The distance between plot number 30 of the applicant and the plot no. 27 of one Shri Punekar is about 125 ft. The placement of MSEB's Transformer is very close to the applicant's compound wall. An Architect was engaged by the applicant to calculate and show the distance between his plot & the Transformer and also the respective distances between the location of the Transformer and the plot Nos. 26 & 27 respectively belonging to one Shri Kaleshwar who is an Electrical Contractor and another Shri Punekar. According to the drawing prepared by his Architect, the position of the Transformer is very close to the plot No. 30 of the applicant compared to the locations of plot Nos. 26 & 27. The applicant has also written letter, being letter dated 14.12.2004 to Manewada MSEB Office, Nagpur but no reply was given to the applicant. The applicant has also written another letter, being letter dated 30.12.2004 addressed to the non-applicant, but to no purpose. The applicant has enclosed copies of all these letters which are among the case papers. The applicant has also produced copies of several letters addressed by him to the Builders in respect of the grievance in question. However, no action has been taken either by the Builders or by MSEB. The applicant has further contended that in addition to the humming sound emanating from the Transformer, the applicant had sometimes seen some smoke coming out from the Transformer and also leakage of oil. The

applicant had informed the Jr. Engineer MSEB Manewada about these problems by a letter, being letter dated 30.07.2004, a copy of which is produced by the applicant. Relying on the documents produced by him, the applicant has prayed that the Transformer in question may be shifted from the present site which is just adjacent to his house to a distant place so that the applicant and his family will be relieved of the nuisance caused due to the humming sound of the Transformer. The applicant has also produced two photographs showing the construction in progress of the said Transformer which are among the case papers.

The non-applicant has stated in his parawise report that an estimate for erection of a 315 KVA Transformer was sanctioned by the Chief Engineer, NUZ, MSEB, Nagpur under the Outright Contribution Scheme. The land for the Transformer was allocated by the Builders and this land happens to be adjacent to plot no. 30 of the applicant. The work of erection and electrification of the Transformer was carried out by the Builders through an Electrical Contractor under supervision of MSEB after the estimate therefor was sanctioned by the Chief Engineer, NUZ, MSEB, Nagpur. The non-applicant has added that the completed work of the Transformer was duly inspected by the Electrical Inspector and after his approval, the Transformer and lines were charged. The placement of the Transformer is at a standard clearance from the house of the applicant. According to the non-applicant, the placement of the

Transformer is also electrically safe. It is the contention of the non-applicant that humming sound is an inherent property of a Transformer. The required maintenance was also carried by him on 04.03.2005. According to him, the humming sound is predominant due to the lonely site and since there is no other sound pollution. He has lastly stated that the Transformer was installed at a suitable place allotted by the Builders to the MSEB and as such there is nothing wrong on the part of MSEB.

We have carefully gone through the entire record of the case, documents produced by both the parties as also all the submissions made before us by both of them.

The grievance of the applicant is that a nuisance is being caused to the applicant and his family due to the continuous humming sound emanating from the Transformer. He has, therefore, prayed that the Transformer in question may be shifted to some other distant location. It is pertinent to note that the site for the Transformer is allocated to MSEB by the Builders. It was necessary for the MSEB to make provision for such a Transformer for the purpose of releasing electricity connections to the residents of the area including the applicant. The Builders set apart and allocated the open site in their possession for the purpose of erection of a 315 KVA Transformer. The job of erection of Transformer was allotted to the Builders under the Outright Contribution Scheme which has been duly approved by the Chief Engineer. The MSEB's stand is that the Builders

allocated the site which was approved by them and that the placement of the Transformer is at standard clearance from the house of the applicant and that it is also electrically safe. In the instance case, the Electrical Inspector has also inspected and approved the erection of Transformer. It is also pertinent to note that the applicant has been agitating the selection and allocation of this site for the purpose of erection of the Transformer primarily with the Builders. The applicant has also made a submission that the Builders had not specified the place of MSEB's Transformer in the layout plan while getting it sanctioned from NIT, Nagpur and that at the eleventh hour, the Transformer was erected without the consent of the applicant and further that the Builders deliberately allotted the space close to his plot for the MSEB's Transformer. This demonstrates that the main grievance of the applicant was directed against the Builders. It will, therefore, be appropriate if the applicant challenges the action of the Builders in respect of allocation of the site for the Transformer before an appropriate authority under appropriate Law like Consumer Forum under Consumer Protection Act. The subject-matter of allocation of space by the Builders for the Transformer or for that matter any violation alleged to have been committed by the Builders as contended by the applicant does not fall within the jurisdiction of this Forum.

With a view to understand the gravity of the problem being faced by the applicant, it was decided by us to inspect the site of the Transformer. Accordingly, the site was

inspected by us on 26.05.2005 in the presence the applicant and also the non-applicant. The applicant has told us on the spot that some maintenance was carried out by the non-applicant with the result that the problem of smoke coming out from the Transformer and sparking of wires etc. is not now there. The applicant also admitted that the intensity of the humming sound is somewhat reduced. At the time of inspection, we found that the Transformer is erected in an open space admeasuring 60 ft. x 40 ft. We also noticed that the height of the compound wall constructed by the applicant was around 9 ft. We also heard the humming sound of the Transformer. However, the surrounding area of the site of this Transformer was clearly seen to be an open area. We also visited the house of the applicant at his request. On inspection of the house, we found that the intensity of the humming sound was tolerable and much less on the ground floor of the applicant's house i.e. in the kitchen and one bedroom close to the kitchen as compared to the intensity of humming sound out-side the compound wall. The humming sound was also heard by us on the terrace of the applicant's house. The applicant has also admitted before us that humming sound is an inherent property of an Electrical Transformer. He admits that the humming sound in such a case is bound to be there. According to him, the intensity of humming sound is felt more particularly during the night time. This was also admitted by the non-applicant. This is obvious because intensity of the humming sound emanating even from a tube-light is felt more during night time as

compared to its intensity during the day time. The main reasons for feeling the tolerable intensity of the humming sound are :

- 1) All the surroundings of the site of Transformer are open spaces.
- 2) There are no constructions around the site of the Transformer.
- 3) The location of Chintamani Nagari No. 1 in question is far away from the city.
- 4) The direction of the blowing-wind is also one of the causes.
- 5) The Transformer is not fully loaded as stated by the non-applicant.

With a view to feel and compare the intensity of the humming sound of a 315 KVA Transformer, we also inspected two Transformers of the same capacity one installed in Shree Harinagar and the other on the main Manewada Road. We found that humming sound was, no doubt, emanating from these Transformers. However, intensity there-of was felt comparatively less due to the constructions of houses / shop traffic on roads etc. around the Transformers. The applicant was also asked to accompany us for the inspection of these two Transformers. However, the applicant did not accompany us.

The entire exercise of inspection of the site of the Transformer in question was carried out by us with a view to understand the gravity of the applicant's problem in its

proper perspective. The humming sound of a Transformer is its inherent property. There is absolutely no doubt about this. The Electrical Inspector has approved the erection of the Transformer in question before it was commissioned by the MSEB. The Electrical Inspector is the appropriate authority to certify the proper erection of the Transformer and its cables / wires etc. and also to certify that the Transformer is electrically safe. The MSEB has also stated that the Transformer in question is electrically safe. The standard distance clearance is also approved by the Electrical Inspector and also MSEB. The Builders have allocated the space to MSEB for the purpose of erecting the Transformer the cost of which is already recovered by the Builders from the residents of the area including the applicant. Shifting of the Transformer is also a very costly proposition. We, therefore, do not see any sound reason to shift the Transformer as requested by the applicant.

In view of above, the grievance application of the applicant is rejected.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**