

**THE STATE ELECTRICITY OMBUDSMAN**

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APPEAL PETITION No. P/034/2020  
(Present: A.S. Dasappan)  
Dated: 22<sup>nd</sup> January 2021

Appellant : Smt. Tanuja P.P,  
Musaliarakam, ALFATTAH,  
Behind K S E B Ltd, Kallayi  
Kunhikkoya road,  
Kozhikode. 673003

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division, KSEBL,  
Nadakkavu, Kozhikode

**ORDER****Background of the case:**

A weather-proof service connection was provided to one Sri. Ahamed Shafi on 26-02-2019 after erecting a weather-proof support pole near the building owned by the appellant. Later, the appellant suffered a lot of inconvenience with the electric pole and made complaint before the officers of KSEBL, but there was no result. As such the appellant filed petition before the Consumer Grievance Redressal Forum, Northern Region, Kozhikode vide OP No. 41/2020-21 and the CGRF dismissed the petition, stating lack of jurisdiction. Aggrieved on this, the appellant filed this appeal petition before this Authority on 09-11-2020.

**Arguments of the appellant:**

An electric post was unauthorizedly erected by the respondent near the building of the appellant near Kuttichira market for providing a service connection to the nearby building. Whenever the appellant experienced inconvenience created by the electric post, the appellant made petition before the respondent on 02-03-2020 and 16-06-2020 but they did not do anything.

The post was erected after removing the roof sheets in front of the building and thereby in rainy season, the goods in the building got damaged. The appellant had not given any consent to erect the pole near the building.

**Arguments of the respondent:**

Sri. Ahamed Shafi, Musaliyarakam, Thekkumthala, Kuttichira had requested for a service connection under LT 7A tariff to a building numbering 12/573 under ES, Beach on 26.02.2019.

The Sub Engineer who took the estimate for providing service connection had reported the requirement of consent of the property owner of the nearby property. The consent was required to erect a pole to support the WP wire conductor to ensure the safety clearance from the nearby building as well as for drawing electric line over the property both owned by the appellant. The nearby property was co-owned by the applicant and the appellant as they are siblings.

The appellant had given consent for property crossing and subsequently the service connection was effected on 05.10.2019.

KSEB Ltd. had not damaged any property of the appellant as alleged by the appellant. Also, the service connection was effected about 13 months back and no complaints were raised by anyone till recently. The appellant claims that he had complained to the Assistant Engineer, Electrical Section, Beach on 02.03.2020, after elapsing 5 months from the date of effecting the service connection.

Now the appellant had raised a new complaint, which she had not raised earlier before the Consumer Grievance Redressal Forum, Kozhikode or in any other communications to KSEB Ltd that the consent for property crossing was not given by the appellant and is a forged one. KSEB Ltd does not have the jurisdiction to verify the authenticity of the consent document. Moreover, the appellant had not raised any objection at the time of erecting the disputed pole or while drawing the WP conductor wire.

Considering the facts that the service connection was effected after obtaining consent for property crossing from property owner and no damages to any of the property of the appellant were happened while effecting service connection, and as such the respondent requested to dispose the case.

**Analysis and findings:**

An online hearing was conducted at 11-30 AM on 09-12-2020 with prior intimation and willingness of both the appellant and respondent. Sri. K.V. Abdul Rahman appeared for the appellant and Sri. E. Manoj, Assistant Executive Engineer, Electrical Subdivision, Nadakkavu attended from the respondent's side. On examining the appeal petition, the counterstatement filed by the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The appellant's version is that an electric pole was erected very close to her building by the respondent without any consent of the appellant. The officials of KSEB Ltd. removed the roof sheets of the appellant's building for erecting a pole which required to support the weatherproof wire used for giving electric connection in the nearby building owned by Sri. Ahamed Shafi. The appellant suffered financial loss due to the damages of the goods kept in the building during rainy season.

The respondent's version is that, the appellant had given consent to erect the pole in the pathway owned by both the appellant and Sri Ahamed Shafi. KSEB Ltd. had not made any damages to the building as alleged by the appellant. The service connection to Sri. Ahamed Shafi was effected on 05-10-2019 and the appellant placed complaint to the Assistant Engineer on 02-03-2020, i.e. after 5 months from the date of connection.

In the hearing, the respondent was asked to look whether any rearrangement of pole can be done to minimize further loss and redress the grievance of the appellant.

Accordingly, the respondent reported an alternate proposal, which is acceptable to the appellant, technically feasible and practically possible and convenient to all. Further, the respondent reported that the expense for the rearrangement will come to Rs.3,874/- and Sri. Ahamed Shafi expressed his willingness to remit the amount.

But this Authority found that the rearrangement work proposed by the respondent cannot be treated as a deposit work, but only a rectification of a defect or mistake occurred from the Licensee's side in providing the electric connection with a support pole which creates inconvenience to the appellant. As such realization of labour charge for the modification cannot be justified. At the same time, cost of additional materials required, if any, for the modification work can be realized.

**Decision: -**

From the analysis done above and the findings and conclusions arrived at, I decide to set aside the order of CGRF, Northern Region in OP No. 41/2020-21 dated 14-09-2020. The respondent shall rearrange the electric line as proposed by the respondent at Licensee's cost within 15 days from the date of receipt of this order. The respondent can collect the cost of additional material required, if any, for the rearrangement work.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/034/2020/\_\_\_\_\_ dated \_\_\_\_\_.

**Delivered to:**

1. Smt. Tanuja P.P, Musaliarakam, ALFATTAH, Behind K S E B Ltd, Kallayi, Kunhikkoya road, Kozhikode. 673003
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Nadakkavu, Kozhikode.

**Copy to:**

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode.