

**THE STATE ELECTRICITY OMBUDSMAN**

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Appeal Petition No. P/006/2023  
(Present A. Chandrakumaran Nair)  
Dated: March 23, 2023

Appellant: Sri K.O. Joy,  
Kallely House,  
Angamaly P.O.,  
Near East Church, CAN-4.,  
Ernakulam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSEB Limited,  
Angamaly. Ernakulam

**ORDER**

**Background of the case**

The appellant is a domestic consumer with Consumer No: 1155799016481 under Electrical Section, Angamaly. The Licensee has erected two concrete poles to provide power supply to the neighbour's residential housing were erected in an unsafe place close to the boundary walls of the appellant. Due to this the appellant is not able to complete the renovation of his house as the workers show their hesitance to work. The appellant file complaint to the respondent and no permanent solution arrived. Then the appellant filed petition to CGRF and CGRF issued order dated 30-12-2022 stating that the licensee has to ensure that LT ABC constructed adjacent t the compound wall is as per Regulation 60(3) of CEA regulation 2010.

Aggrieved by the decision of the CGRF, the appeal petition has been filed to this Authority.

## **Argument of the Appellant**

The appellant was living at the above address for more than 20 years, there is an electric pole located next to boundary wall is making difficult to him. The appellant had complained about number of times but no action was taken. A few days back there was a spark in the pole, which is very dangerous to his and property.

The pole was erected to provide power supply to his neighbour, Smt. Shiby Antony, who is an Engineer in KSEB Angamaly Transmission store. The renovation of his house is happening since September 2022. Due to unsafe condition of the electric line, workers show their hesitance to do work and hence he is facing irreparable financial loss. On 19-09-2022, for cleaning the house for painting the power supply was switched off by the KSEBL. On 19-10-2022, approached the CGRF by filing the petition with OP No. 63/2022-23. On 25-10-2022, without any notice the Sub Engineer sanctioned the replacement of old service line and installed ABC. CGRF conducted hearing on 15-11-2022 and then on 15-12-2022 and final order issued on 30-12-2022 which is strongly objected.

As per the Kerala Building Rules, a minimum vertical clearance from overhead lines and minimum horizontal clearance should be observed and also no building or part of a building shall be constructed or no addition or alteration shall be made to any existing building in the intervening spaces between the building and any overhead electric line. Here minimum clearance as per rules and regulation in force is violated since 07-12-2017 from single phase to later three phase.

From 07-02-2017 to till this day, the licensee granting single phase overhead line later to three phase OH line and ABC as on 25-10-2022 for effecting service connection to the premises of Smt. Shiby Antony his colleague is purely out of undue influence without taking into account statutory clearance and other rules and regulations in force. This heinous act of taking law in his own hand must be ceased and thus causing irreparable financial loss to the person and property may be ascertained as a relief to the petitioner.

It is noted that the CGRF states that during the site visit conducted on 15-11-2022, this Forum finds that the property of the petitioner is separated by a compound wall with the combined property of Smt. Shiby Antony and Smt. Shincy Antony. The front gate of both the premises are constructed close to the compound wall. The line was passing through the property of Smt. Shiby Antony but adjacent to the compound wall after crossing the public road. The appellant's concern was against the post constructed near to his gate. Also, CGRF's observation that the aforesaid post is placed in the public road is a safe distance is not safety issue to the petitioner. This is an irrational observation as the ABC is drawn via concrete post only and if the LT OH line

drawing using ABC having no required horizontal clearance from the building of the appellant as per regulation (60), the question is to be addressed is what makes such concrete post in the public road safer and is no safety issues to the petitioner.

The appellant prayed to the Hon'ble State Electricity Ombudsman that

1. Order may please be issued to move the concrete poles at a safer distance ensuring required statutory horizontal clearance from the building.
2. Directing the respondent to take corrective action for an avoidable danger or risk to the appellant's life and property.
3. Directing to release appropriate cost for the irresponsible loss caused by the respondent.

### **Arguments of the Respondent**

The existing KSEB line was first put-up using service wire and support post for the domestic connection of Smt. Shincy Antony. It is admitted fact that the respondent KSEBL was put up a post on the public road without any hindrance to the appellant and constructed 80 M LT single phase OH line adjustment to the boundary wall of the appellant for effecting service connection to Smt. Shiby Antony on 07-02-2017. The complaint has no locus standi to demand approval of shifting of the post put up legally in the public road by KSEB that too after 5 years without any valid ground.

It is submitted that the apprehension and anxiety of the petitioner are unreasonable and groundless because of that appellant's building is situated away from the boundary wall. It is explicit that the statutory clearance of both vertical and horizontal distance for the electric line is complied with the building. The appellant has carried out certain maintenance work in the premises after the completion of the challenged OH line and the work done by the appellant violated the stipulation and provisions of the Kerala Building Rules and Municipal Act. Considering the apprehension and concern of the petitioner the respondent replaced conductor with ABC on 20-10-2022 for more safety and to avoid sparking and dangerous condition. At present there is no safety issues with respect to the OH line.

The Electrical Inspector, Electrical Inspectorate, Ernakulam issued a clarification letter in the matter and it is mentioned that the ABC used for drawing the LT shall be laid according to the statutory conditions mentioned in the Regulation (60) 3 of the Central Electricity Authority. The appellant has filed petition before the Hon'ble CGRF (CR) stating the same grievance vide complaint no. 63/22-23. The Forum after hearing both the parties directed the respondent to comply with the regulations.

In the light of the above submission, the Hon'ble Forum may be pleased to dismiss the complaint.

## **Analysis and Findings**

The hearing of the case was conducted on 08-03-2023 at the office of the State Electricity Ombudsman, DH Road-Foreshore Road Junction, Near Gandhi Square, Ernakulam, Kerala. Sri. Nirmal J. Kallely, who was nominated by his father Sri. Joy Kallely, who is the appellant from the appellant's side along with Sri. Joy Kallely and Sri. C.K. Anandan, Assistant Executive Engineer, Electrical Sub Division Angamaly who is the respondent from the respondent's side were attended the hearing. A site inspection was conducted on 09-03-2023 along with the Consultant, Consumer Advocacy, Kerala State Electricity Regulatory Commission. On hearing both the parties, examining the statement of facts submitted along with other documents, verifying other documents, physically the site, this Authority arrives the following findings and then to the discussions.

The appellant is Sri. Joy Kallely and he has authorised his son, Sri. Nirmal Kallely to submit the documents on behalf of him and both are residing in the same house as per the affidavit. The appellant is the consumer of the licensee with Consumer No. 1155799016481 under Electrical Section, Angamaly. He is residing in this property for more than 20 years. There was a service line drawn during 2012 through a WP wire for the domestic service connection of the neighbour, Smt. Shincy Antony. There is a pathway in the property of neighbours close to the compound wall of the appellant. A single phase OH line was drawn by inserting a post close to the compound wall of the appellant for providing service connection to another neighbour Smt. Shiby Antony. The post was inserted on the pathway and the OH line was above the pathway, and the line was drawn on 07-02-2017. The apprehension of the appellant was that the line was dangerously closed to the building and not having statutory clearance. The appellant was not able to attend the maintenance of building such as painting etc., keeping the line to the live conditions. They have represented to the officers of the licensee and no action was taken. The appellant has filed petition to the CGRF on 19-10-2022 and on 25-10-2022, the licensee has replaced service line (phase conductor) to Aerial Bunched Cables. Now the service line to Smt. Shiby Antony is the three phase line with ABC.

The regulation of Central Electricity Authority (Measures relating to Safety and Electrical Supply) 2010, Section 60 deals with the clearance from buildings for the lines of voltage and not exceeding 650 volts. Section 60(2) "where an overhead line of voltage not exceeding 650 volts passes above or adjacent to or terminates on any building, the following minimum clearance from any accessible point shall be observed namely:

- i) For any flat roof, open balcony, veranda roof and lean to roof
  - a) Vertical clearance of 2.5 m from the highest point
  - b) Horizontal clearance of 1.2 m from the nearest point
- ii) For pitched roof

- a) Vertical clearance of 2.5 m immediately under the line
- b) Horizontal clearance of 1.2 metre”

Section 60 (3) “Any conductor so situated as to have clearance has less than that specified above shall be adjacently insulated and shall be attached at suitable intervals have to a bare earthed wire having a breaking strength not less than 350 kg”

The regulation states that when the minimum vertical clearance and horizontal clearance are not able to meet the wire is to be properly insulated. The ABC are insulated conductors used normally for this type of conditions to ensure necessary safety requirements. The ABC are the insulated overhead electric cables have been securely packed and wrapped together.

On physical inspection at site also noticed that the One span of service line which is adjacent to the compound wall of the appellant is with ABC and hence the situation is not dangerous. However, the ABC is to be drawn providing crossarms on the posts and the ABC is to be supported through one side of crossarm to have some more clearance from the compound wall/buildings. The service wire drawn to the house of Smt. Shiby Antony from the post is to properly tied as per standard practice.

The LT single phase line drawn since 2017 to 25-10-2022 would have been bit apprehensive, however the danger if any was cleared on converting the line to ABC. The appellant prayed for compensating the irreparable loss he suffered which could not be assessed or quantified hence the prayer is not admitted.

### **Decision**

From the above analysis and findings, the following decisions are arrived.

- (1) The respondent has to provide crossarms in the posts and the Aerial Bunched Cables are to be properly fixed to one side of the crossarm to increase the clearance from the appellant’s property at the cost of the licensee.
- (2) The service wire provided from the posts to the house to be fixed properly as per the standard practice.

No order on cost. The petition is disposed herewith.

**ELECTRICITY OMBUDSMAN**

No. P/006/2023/ \_\_\_\_\_ dated \_\_\_\_\_

Delivered to:

1. Sri K.O. Joy, Kallely House, Angamaly P.O., Near East Church, Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Angamaly. Ernakulam

Copy to

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.