

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/049/2021**(Present: A.S. Dasappan)****Dated: 25th November, 2021**

Appellant : Sri. Jacob Mathew,
Vadakkal House,
Vadakode. P.O.,
Kangarappady,
Ernakulam Dist.-682021

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Kalamassery, Ernakulam Dist.

ORDER

The appeal petition pertains to the erection of a 'A' type electric pole on the side of National Highway near 'Edappally Toll' by the respondent. The grievance of the appellant is that the newly erected pole by shifting creates inconvenience to the appellant for the free movement of vehicles from the Highway to the property of the appellant. The basic reason for filing the petition before Consumer Grievance Redressal Forum, Central Region and appeal petition is the unauthorized construction of the first floor of a textile shop by name "Level 7" and the appellant suspects KSEB Ltd.'s help to the construction of the shop. The appellant argued that the electric pole is erected amidst the slanted tiles in the road side. The appellant made a complaint to the Assistant Engineer, Electrical Section, Thevakkal on 11-12-2020, but no reply was received from the Assistant Engineer. Hence, the appellant filed a petition before Consumer Grievance Redressal Forum, Central Region vide OP No. 02/2021-22 on 21-04-2021 and the Forum dismissed the petition due to lack of merits vide order dated 30-06-2021.

Aggrieved by the decision of the Forum, the appellant filed this appeal petition before this Authority. The request of the appellant is to shift the newly erected 'A' type pole to a convenient location, so that vehicles can enter from the National Highway to the property of the appellant.

The argument of the respondent is as follows:

The appellant is a consumer of Electrical Section, Thevakkal with consumer number 14332, lodged a complaint at Section Office on 11-12-2020 against the erection of the 'A' type pole near Toll junction between electric pole No. NH2 & NH3 as part of a deposit work done in favour of "M/s. Level 7" near Toll Junction, Edappally, saying that the pole is erected improperly and without knowledge of the appellant. Further, the appellant stated that the electric pole is making hindrance for the entry and exit of vehicle to the appellant's building and hence, to be shifted. The technical issue regarding the complaint was conveyed directly to the appellant and later a reply was sent by post on 10-05-2021. A notice was issued to Sri. Chacko. V.J., Vadakkel House, Edappally North on 19-05-2020 from Electrical Section, Thevakkal for not maintaining sufficient clearance between electric (HT) line and newly constructed building (now 'Level 7') near Toll Junction, Edappally under his ownership. After accepting notice, he expressed his willingness to remit the expense for the shifting work for maintaining the clearance and accordingly remitted Rs.45,959/- for the erection of an electric pole "A-type". The work was completed on 24-11-2020. The pole is erected in a public place and in a feasible location. As such, the respondent requests to dismiss the petition.

Analysis and findings:

An online hearing was conducted at 11-15 AM on 29-10-2021 with prior intimation to both the appellant and the respondent. Sri Jacob Mathew, the appellant and Sri. Sunilkumar. P.K., Assistant Executive Engineer, Electrical Subdivision, Kalamassery from the respondent's side attended the hearing. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached 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 issue referred in this appeal is with respect to the shifting of an electric pole, which creates inconvenience for the free movement of vehicles from the National Highway to the property of the appellant. The request is for re-shifting the pole to a convenient location, so that vehicles can enter the property from the National Highway. The appellant stated that the pole was shifted and erected amidst the slanted tiles and the tiles made slanted by the National Highway Authority for the free movement of vehicles from the Highway to the property of the appellant.

The respondent says that the shifting of the electric pole was done as requested by Sri. Chacko. V.J. for maintaining statutory clearance between the 11 kV line and the newly constructed building owned by Sri. Chacko. V.J. Also, the work was done under deposit work and the present location is the feasible point.

The provision under Regulation 95 of Kerala Electricity Supply Code 2014 has to be adhered in the case of shifting of electric line, plant etc. If the Distribution Licensee (KSEB Ltd.) requires the shifting of the existing overhead line, stay-wire etc. in the interest of safety and reliability of electric supply or in public interest, the Licensee can initiate action, but has to confirm that the parties likely to affect are informed or to get their consent. So, the primary duty of Licensee was to ensure that it must be done, causing least inconvenience to the neighbouring property owners or the others, who are likely to be affected by the action and it must be done without giving rooms for any complaint.

The main point of allegation raised by the appellant is that the electric pole re-erected in front of the property of the appellant was for the convenience of the nearby shop. In reply to the above, the respondent revealed that the shifting of the pole was done as requested by the nearby shop owner following the notice issued by the Licensee for maintaining statutory clearance between the line and the building and which was carried out under deposit work.

In this subject, this Authority observed that there is objection in the present location of electric pole from the appellant. The respondent had to avoid such a situation before the shifting of the pole. The appellant revealed that slanted portion is provided in the Highway side for the free movement of vehicles to the property of the appellant and the action of the respondent created inconvenience

by providing the pole in the slanted portion. As such, this Authority is of the opinion that the respondent has to take suitable action to avoid the inconvenience of the appellant with the newly erected electric pole in front of the property of the appellant.

Decision: -

From the findings and conclusions arrived at, it is directed to the respondent to look once again whether the electric pole can be shifted to another location, so as to avoid the inconvenience of the appellant and respondent shall inform his decision to the appellant within a period of 15 days from the date of this order. If the appellant is not satisfied with the decision of the respondent, the appellant is free to approach the District Magistrate.

The request made by the appellant in Appeal Petition vide P-049/2021 is allowed to this extent. The order of CGRF, Central Region in OP No.02/2020-21 dated 30-06-2021 is modified.

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

ELECTRICITY OMBUDSMAN

P/049/2021/_____ dated _____.

Delivered to:

1. Sri. Jacob Mathew, Vadakkal House, Vadakode. P.O., Kangarappady, Ernakulam Dist.-682021.
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kalamassery, Ernakulam Dist.

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, CGRF-CR, 220 kV Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.