

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/067/2021**(Present: A.S. Dasappan)****Dated: 10th January, 2022**

Appellant : Sri. Thomas Thomas,
Mundathanilil House,
Monkombu, Thekkekara P.O.,
Kuttanadu,
Alappuzha Dist. 688503

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Edathua, Alappuzha Dist.

ORDER**Background of the case:**

The appellant is a consumer of Electrical Section, Champakulam. The appeal petition pertains to the refund of deposit work amount remitted by the appellant towards the electric line re-erection charge. An electric pole carrying a Low Tension (LT) 4 wire overhead line got damaged following the falling of a line branch from the property of the appellant. The appellant remitted Rs.4,433/- towards material cost and Rs.4,500/- towards the labour charge paid to the contractor who carried out the works. The appellant approached the Licensee for the refund of the amount, but no action was taken and hence, filed a petition before the Consumer Grievance Redressal Forum (CGRF), Central Region, Ernakulam vide OP No. 15/2021-22. The Forum rejected the request of the appellant in its order dated 01-09-2021.

Aggrieved by the decision of the Forum, the appellant filed this appeal petition before this Authority.

Arguments of the appellant:

A 4-wire electric line is passing through the backside of the house of the appellant and trees are standing beside the line. The tree branches in touch with the line were being cleared by the KSEB Ltd. The appellant tried to sell the trees standing near the line, but could not make possible due to "Covid-19". In the meantime, while removing the tree branches, one small branch fell on the electric line and at the same time a post situated 40 metres away from the said location fell down along with the stay provided to the post. But the post situated 2 metres away from the location and another post situated 20 metres had no damages. The stay block used for the collapsed post was a deteriorated teak wood piece. The deterioration of the stay block and its non-standard erection was the reason for the falling of post. The respondent had replaced a number of posts in the period of natural calamity and the appellant had to treat the incident as a part of damages in a natural calamity. As directed from the Section Office, the appellant remitted the material portion and paid the labour portion directly to the contractor, who arranged the rectification work. As such the appellant requests to refund Rs.10,000/- paid by the appellant related to the subject work.

Arguments of the respondent:

The place of incident referred in the appeal petition comes under the Electrical Section area of KSEB Ltd., Champakulam and occurrence was on 30-06-2020. An electric post of KSEB Ltd. got damaged with the falling of a tree branch on the LT line passing through the property of the appellant. In the inspection from the Electrical Section Office, it was understood that the tree branch cut by the appellant fell on the electric line is the reason for the damages of the post. As such, the appellant was directed to remit the estimated amount for the rectification of the damages amounting to Rs.11,220/-. The appellant agreed to arrange the rectification work by the appellant and hence, remitted Rs.4,433/- towards material cost and paid Rs.4,500/- to the contractor, who arranged the work.

The incident was enquired by the Licensee and affirmed that the cutting and removing of the branch of the tree was not informed to the employees of the

Electrical Section Office, Champakulam. The unauthorized action of the appellant is the basic reason of the incident and the possibility of occurring damage to the 'angle pole' is more due to the action of the appellant.

Since usage of 'stay rods' are not practical in Kuttanadu area, "wooden pieces" having a length of about 2 metres are used to provide stays to the electric post. Stay-wire is connected between the post and the wooden piece provided in the earth. Such type of stay was provided in the appellant's property. The post was damaged only due to the load experienced with the falling of tree branch on the line and not because of the breaking of stay-wire. If the appellant had done the work under intimation to the Section Office and after dismantling the line, this incident could have been avoided. As such, the request of the appellant for refunding the amount cannot be allowed.

Analysis and findings:

The hearing of the appeal petition was conducted at Vydhyuthi Bhavan, KSEB Ltd., Alappuzha on 16-12-2021. Sri. Thomas Thomas and Sri. Philip Thomas attended the hearing from the appellant's side and Sri. V.S. Jayasankar, Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd., Edathua and Sri. George Jacob, Asst. Engineer, Electrical Section, Champakulam from the respondent's side. 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.

In this case, it is an admitted fact that a branch of the tree fell on the LT line while cutting and removing done by the appellant. The appellant argued that the deterioration and non-standard erection of the "wooden piece" as a substitute for the "stay block & stay rod" by the respondent are the main reasons of the incident. The appellant produced some photographs of the "damaged wooden pieces", which proves that the existing stay using the wooden pieces was not sufficient for the stability of the electric pole. The appellant also argued that two numbers electric poles situated 2 metres and 20 metres away from the

location where the tree branch fallen had no damages occurred, but the pole situated 40 metres away got damaged and hence, which was happened due to the improper stay provided by the respondent to the electric pole. The respondent is silent on the above argument of the appellant.

According to the respondent, the electric pole of KSEB Ltd. got damaged due to the falling of tree branch, while trying to cut and remove without any intimation to the Section Office. If it was informed in the office, the officials of the Licensee had to take precaution for the safe works. Hence, the appellant is liable to remit the amount and not eligible to get the refund of the amount.

On going through document file, it is seen that the appellant had remitted Rs.4,433/- towards the material cost and paid Rs.4,500/- to the contractor, who arranged the rectification works in the location, where the stay system broken. As per the estimate prepared by the respondent for the rectification work, only one number electric pole is seen in the materials portion.

No site mahazar is seen prepared by the respondent and no notice, intimating the loss sustained to KSEB Ltd. is seen issued to the appellant.

The appellant had to obtain prior sanction from the respondent for the safe cutting and removing branches of the tree situated near to the LT line. At the same time, the respondent had to maintain the distribution network properly and safely to avoid the collapse of the system whenever a similar situation occurred. It is pertinent to note that any of the conductor in the location not snapped with the falling of the tree branch and the nearby poles were not got damaged. As such, it can be observed that, the deterioration of the stay system provided to the electric pole is also a reason for the damages. The action of the appellant without a prior sanction from the competent officer of the Licensee is against rules and unsafe to lives and properties. The respondent shall continuously arrange awareness programmes for the consumers and which will prevent such activities.

Decision: -

In view of the discussions as above, it is decided as follows:

The appellant had to intimate the Licensee about the cutting and removing of branches of the tree for taking safety precautions by the Licensee. At the same time, Licensee had to maintain the Low-Tension line properly and to strengthen the weak points in the distribution network. As such, the respondent shall bear the material cost and the appellant shall bear the labour charge. The respondent is directed to refund the material cost remitted by the appellant within 30 days from the date of order. The order of CGRF, Central Region in OP No.15/2021-22 dated 01-09-2021 is set aside. The appeal petition filed by the appellant is allowed to this extent.

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

ELECTRICITY OMBUDSMAN

P/067/2021/ _____ dated _____.

Delivered to:

1. Sri. Thomas Thomas, Mundathanilil House, Monkombu, Thekkekara P.O., Kuttanadu, Alappuzha Dist. 688503
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Edathua, Alappuzha 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.