

# STATE ELECTRICITY OMBUDSMAN

THANATH BUILDING, CLUB JUNCTION, POOKKATTUPADY ROAD,  
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**REPRESENTATION NO: P/160/2010**

**(Present: T.P.VIVEKANANDAN)**

Appellant : Smt.Rahelamma,  
Jayanthi Colony, Plot No.21  
Ambipoika, Njaliyod 7th Ward,  
Kundra, Kollam Dt.

Respondent : Assistant Executive Engineer.  
Electrical Sub-Division,  
KSEBoard, Veliyam, Kollam Dt.

## **ORDER**

The Appellant is requesting to restore the Electric Service connection provided to her old thatched house, now rebuilt as a terraced house, which was disconnected due to lack of statutory vertical clearance, required as per Law. After the reconstruction of her hut into a terraced building, she made a request to shift the meter to her newly built house. The Asst.Engineer on finding that the statutory clearance (Vertical) from the EHT line passing above the building is less, issued notice and then disconnected and later dismantled the service.

### **Back ground of the Case:-**

Smt.Thankamma is the mother of Smt.Rahelamma (Appellant) and is the registered consumer of connection No.K3799-(under BPL category). The consumer was originally staying in a thatched roof hut in a colony and the service connection was obtained to this house. She (Appellant) states that she is a widow having two children and stays with her mother and children in her house, situated in a land of 3 cents in Jayanth Colony. The appellant on getting financial assistance from the local Panchayath Authorities demolished the hut and reconstructed the

house with a terraced roof. As the newly built house, having more area than the original one, encroached into the space just under the existing 110 KV Kundara-Edamon 110 KV EHT feeder, the statutory clearance to be kept i.e. the vertical clearance from the bottom of the Power Line to the top of the building was not seen maintained by the consumer, and hence the Licensee, turned down the request to shift the old connection to her new house and is the cause of the grievance.

**Argument of Appellant:-**

She is residing with her mother and two children in the house. The property is owned by her mother and for the last 15 years they were staying in a thatched roof. With the financial assistance got from Elamballoor Panchayath, under a scheme, they reconstructed the thatched roof hut into a terraced house. Originally, she was having an Electric Service Connection with consumer no: 13840 and when they requested to shift the service to the newly constructed home in the same spot, KSEBoard objected it on the allegation that the statutory clearance from the EHT Line is not maintained by them. They have issued stop memo to us and to the Panchayath and hence the Panchayath did not issue the House number so far. The existing Electricity service was also disconnected by them on that ground.

The line is passing above our colony. The Govt: has given Pattayam to 3 cents to us and we can construct our home only on this land. I have reduced the height of the building as per their advice and even then they are saying that there is shortage of statutory vertical clearance from the Power line. It may please be noted that the line is having a long span and the same is drooping down slowly over the years due to poor maintainance. We request to restore the Electric Service Connection, disconnected on technical grounds.

**Argument of the Respondent:-**

The Electric Service Connection was given to the appellants' mother on 03-09-2003 under BPL Category, with Consumer No: 13840 (K.3799) and a connected load of 140 W. The original house was a hut beneath

the 110 KV-Kundra-Edamon lines having necessary statutory clearance. The consumer demolished the hut and the meter was shifted unauthorisely to a near by tree. Since it was in a dangerous condition, the section AE disconnected the supply. On Inspection it was noticed that the building is not maintaining the statutory clearance required from the Line and notice was issued to the consumer and the matter intimated to the local Panchayath . The service connection was dismantled on 05-02-2007 due to default of current charges.

As per the Report of the Assistant Executive Engineer, Line mace Sub-Division, Edamon, the height of the building is 2.90 meters and the vertical clearance between the lowest conductor and top of building is 2.80 meters only and a small portion of the building is encroaching directly beneath the line. The statutory clearance of 6.40 meters at this point can be maintained by tensioning the EHT lines. The required statutory vertical clearance of the building with EHT line is 4.573 meters and this clearance cannot be achieved even on tensioning the Line. It is required, either to increase the height of Power Line tower at location 116 or to install a new tower at a point near the disputed building so as to provide necessary clearance which requires detailed survey and allied works. It is not advisable to alter the structure of the tower at location 116 since it will affect the design conditions and specification of existing 110 KV line.

### **Findings:-**

The hearings of both parties were held on 18-02-2011 at PWD Rest house, Kottarakkara. It was instructed the Respondent to measure and report the actual parameters of the line with regard to this dispute and the report was also received later. On an analysis of the case it is seen that the appellant, who belongs to BPL category was having an Electric Service Connection to her thatched hut and she owns 3 cent land in a colony. The local Panchayath, through their Community Development Schemes, gave financial assistance to her, to build a terraced house in place of thatched house and she constructed it utilizing the scheme fund so received. Since her new house encroached into the land beneath the existing 110 KV line by 1.5 meters, the statutory clearance was lost and her

service was disconnected. The point of decision is whether she is eligible to get reconnection to her renovated house.

The height of renovated house is 2.9 meters and the vertical clearance from building to nearest Power line is 2.8 meters. So the total ground clearance of the existing 110 KV line is 5.7 meters which shows that the Licensee (KSEB) itself is not maintaining the required statutory Ground clearance of the Power Line. The respondents (KSEB) argue that if proper tensioning of Lines is done, it can raise the ground clearance to 6.4 meters, which is sufficient as per Law. I doubt this statement of the Respondent. It is true that after proper tensioning of the Lines, the sag of the line will decrease and hence the vertical clearance will increase, but I don't think it will raise the vertical clearance to 6.4 meters from the existing 5.7 meters from ground level, as argued by the respondent. It is noted that the existing feeder is single circuit 110 kv Line and the available span of the line (length in between the towers at this location) is 310 meters.

### **Decisions.**

It is seen that the KSEB itself, is not maintaining the required statutory Ground clearance (as per the Indian Electricity Rules) of the existing EHT line, Edamon- Kundara 110 KV feeder. As of now, the same is reported as (2.9+2.8 = 5.7 mtrs) only i.e. the sum of height of building and the clearance from there to the Power Line. It is doubtful to obtain the required ground clearance of minimum 6.4 mtrs, as promised by the Respondent, merely by just tensioning the existing Power line. Hence I am of the view that, it is inevitable for KSEB to provide new towers (having extra height) or add extension piece to towers (if possible) or insert additional towers in between, to obtain the required statutory ground clearance. In the present case, while designing the new Towers suitable for this location, they have to take into consideration the existing structures beneath the line also and provide the clearances accordingly, either by selecting towers of suitable height (with or without extension pieces) or by providing additional towers in between the existing towers.

The consumer was having an Electric Service Connection to her thatched roof building. The normal height of this hut is usually around 2.5 meters. Now the

newly built terraced house of the consumer has a height of 2.9 meters, which is a quite normal height. The Consumer belongs to a BPL Income Group category and living in a Colony with 3 cents of land and the house was renovated on getting financial assistance from Govt and has no other space other than this to reconstruct her house are also factors to be taken into consideration while disposing of this Petition.

It is strange that the Licensee (KSEB) itself is not maintaining the statutory Ground clearance, required as per Indian Electricity Rules, for the 110 kv Kundara-Edamon Line and is still operating the line and feeding Power and further asks the consumer to provide the same to restore connection to her house. Originally, during construction of the said 110 kv Line, it would have the statutory ground clearance as per Law. But in course of time, due to many reasons like ageing, heating due to Electric Current etc, the sag (drooping of line) must have occurred. Any way, at present the Line is not having the required statutory Ground Clearance. Hence there is no point in directing the consumer by the Respondent to provide the necessary statutory vertical clearance. The KSEB is also required to take urgent action now to maintain the required statutory ground clearance, incorporating the present ground realities of the location. Once the Ground clearance is restored by KSEB as per Rules, I think automatically the vertical clearance to the Appellant's house will also be restored.

Accordingly, the decision on the Appeal petition is concluded as follows:-

(a).The Licensee, KSEB, may take urgent steps to maintain the statutory Ground clearance on the span in between locations 115 and 116 of the Edaman-Kundra 110 KV line taking the prevailing condition as on today, either by providing a new tower in between or by replacing with suitable height towers, or by any suitable means the Licensee may deem fit, as the existing line is found having short of statutory ground clearance. Meanwhile, KSEB may also arrange tensioning of the Line and make available maximum ground clearance.

(b).The Assistant Executive Engineer, Electrical Sub-Division, Kollam may take steps to effect the reconnection of the dismantled Electric service connection of the petitioner to her renovated house, collecting only the required fees as per

law, if the wiring is done properly. Service Connection minimum charges for the dismantling period need not be collected as it is no fault of the consumer. Other pending dues if any, cash deposit, reconnection fee etc may be realized.

c)The Service Connection may be restored to the consumer without waiting for the completion of the work to be done by KSEB as per decision (a) above, preferably with in one month of the receipt of this order.

No order on costs. The Appeal petition is concluded and decided as above. Dated the 16<sup>th</sup> day of May 2011, the Petition is disposed of accordingly.

## **ELECTRICITY OMBUDSMAN**

**NO:P/160/2010/ 861 dated 16.5.2011.**

Forwarded to :( 1).Smt.Rahelamma.R, Jayanthi Colony, Plot No.21,

Ambikapoika P.O. Kundara, Kollam.

(2).The Assistant Executive Engineer.

Electrical Sub-Division, KSEBoard, Veliyam, Kollam.

Copy to: 1) The Secretary. Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-695 010.

2) The Secretary. KSEBoard,VB,Pattom, Thiruvananthapuram-695 004. : -  
**Please note the Decision (a) and take necessary action.**

3. The Chairperson,CGRF,KSEB, VB, Kottarakara