

STATE ELECTRICITY OMBUDSMAN

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Representation No P/ 158/ 2010

(Present: T P Vivekanandan)

Appellant: Sri Prakash Thomas Pulickal,
 Pulickal House, Muukkoottuthara P O,
 Manipuzha, Kottayam – 686510.

Respondent: Kerala State Electricity Board, (Represented by)
 Asst: Executive Engineer,
 Electrical Sub Division, Kanjirapally. P O, Kottayam Dt.

ORDER.

Sri Prakash Thomas Pulickal, Member, Erumely Grama Panchayath, submitted a representation (Appeal Petition) on 5/8/2010, seeking the following relief:- Be ensure proper voltage level at ‘Mukkootuthara -KOT Road Area’ and ‘Muttappally 40Acre’ by undertaking Voltage improvement Schemes and installing Transformers as the work which was originally scheduled to be completed by 30/06/2010 is getting delayed and the consumers are badly affected by this low voltage problem.

Background of the case:-

The Appellant, a consumer and a Member of Erumely Grama Panchayath, approached ‘Electricity Adalaths’ Conducted at Ponkunnam Electrical Division Office during February 2009 and got assurance that his grievances of low voltage problem at those locations mentioned above will be redressed shortly. Aggrieved by the delay in getting the redressal, he is seen to have approached ‘Adalath’ again in 09/2009 and received a reply intimating that the work will be executed by 2/2010. Aggrieved by further delay, he submitted a representation before CGRF Central Region Ernakulam, to get his grievances redressed.

The CGRF posted the hearing on 25/05/2010 but the petitioner was absent for the Hearing. The respondent reported during Hearing that the work is in the finishing stage and Transformer allocation was also obtained and only the receipt of ‘Energisation Approval’ from BSNL is remaining for charging the line. The CGRF disposed the petition noting that effective steps have been taken by the respondent and hence no further action is required and closed the file. The petitioner in his appeal dated 05/08/2010, before this authority, complains that he did not receive the notice for Hearing at CGRF and alleges that the work scheduled to be energized by 30/06/2010 is still pending.

FINDING:-

In the Hearing posted for 08/02/2011 the petitioner was not present and only the Respondent attended. In the statement filed by the opposite party, it is noted that, the Voltage Improvement work consisting of, the construction of 0.6KM of 11 KV line and the installation of 100 KVA Transformer was completed by 30/06/2010 and the same got energized on 30/12/2010. It is also reported by the Respondent that the delay in commissioning of the work was solely due to the non receipt of the PTCC Approval from BSNL which is a statutory requirement for energisation of new lines in close proximity with BSNL Lines.

ORDER:-

The 11 KV line and the 100 KVA Transformer are reported to be energized on 30/12/2010. The energisation of this ‘Voltage Improvement scheme’ is the relief sought by the petitioner in his representation and is now stands materialised. Previously the petitioner has the complaint that the

respondents has assured him to complete and charge the line by 30/06/2010 and is dragging. The opposite party stated that the work was completed by that date itself but due to delay in getting the PTCC Approval, the charging of the line and Transformer got delayed. The party further stated that steps for initial Route Approval of the proposed line, was taken up with BSNL, as early as in Feb: 2010 but received it ,only in July/2010 and the 'Protective Rectification amount' as demanded by them was also remitted in time. The BSNL people subsequently completed the protective works on their side and accorded 'Energisation Approval' and the line was charged on 30/12/2010.

From the above statements, I come to the conclusion that there was some delay on the part of the respondents, in submitting the application for PTCC Approval in time, as it is seen that the Papers for route approval was forwarded to BSNL only in February 2010, whereas the concerned Asst: Exe: Engr has given reply in 'Electricity Adalath', conducted in 09/02009, that the line will be charged in 02/2010. The respondent should have taken all reasonable steps, like forwarding the applications for PTCC clearance, in advance to avoid delay as the work at BSNL end is time consuming.

The petitioner's main complaint is against, the breach of target date of 30/06/2010 fixed by Board, for charging the Line. It is noted that the Line work was over by 30/06/2010 but could not charge it as PTCC Approval was not available. This Approval is a statutory requirement for charging new lines and is envisaged for the safety of Men and Equipments of the BSNL, where both Parties' lines exist in proximity or use the same right of way. Hence it is obvious that KSEB cannot violate the rules framed as per the safety standards for charging the line without PTCC Approval. Moreover as per section 3(8) of the 'KSEB Terms and conditions of supply, 2005', the Board shall not be held responsible for the delay ,if any, in extending supply, if the same is on account of delay in getting statutory clearances, right of way, etc or for any other reasons beyond the control of the Board. Here it is made clear that the delay was due to non receipt of statutory clearance which is beyond the control of Licensee.

The petitioner, on contacting over phone, to know whether he wants any further hearing, stated that since his grievances are redressed, he is not pressing the case and is writing to this authority for the same. Accordingly he issued a letter dated 22/02/2011 expressing satisfaction over the installation of the transformer.

As the issue stands now settled and has become infructuous, owing to the grievances of the complainant being redressed and further due to the fact that the delay in charging the Line, was primarily due to delay in getting the statutory clearance (PTCC Approval) from BSNL only, for which one cannot find fault with KSEB, I dispose of this Appeal accordingly.

No order on costs. Dated this the 28th day of February 2011.

Electricity Ombudsman.

No P/ 158/ 2010/772 / dated 03.03.2011

Forwarded to: 1) Sri Prakash Thomas Pulickal, Pulickal House,
Mukkootuthara PO, Manipuzha, Kottayam-686510.
2) *Assistant Exe.Engr*, Electrical Sub Division, KSEB,
Kanjirappally P O, Kottayam DT.

Copy to:

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram 695010.
- 2) The Secretary, KSEB, Vaidyuthi Bhavanam, Pattom, Thiruvananthapuram- 695004.
- 3) The Chairperson, CGRF, KSEB, Power house Building, Cemetery mukku, Ernakulam.