

STATE ELECTRICITY OMBUDSMAN

Pallikkavil Building, Mamngalam-Anchumana Temple Road  
Opp: Kochi Corporation Regional Office, Edappally, Kochi-682 024  
[www.keralaeo.org](http://www.keralaeo.org) Ph.0484 2346488 Mob: +91 9567414885  
Email:ombudsman.electricity@gmail

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APPEAL PETITION NO. P/292/2012.

(Present: T.P. VIVEKANANDAN)

APPELLANT : Sri. P.K. Shivashankaran  
NattikaUpabhokthruSamrakshanaSamithi,  
2/H 156, Zam Zam Buildings,  
Nattika P.O, Thrissur Dt.

RESPONDENT : The Assistant Executive Engineer,  
Electrical Sub Division,KSE Board,  
Thriprayar P O, Thrissur Dt.

ORDER.

Background of the case: -

The actual dispute in this case relates to the grievance of Sri. Abdul Rahiman, Kalathilparambil house, Nattika and the matter was taken over by the Nattika Upabhokthru Samrakshana Samithi, represented by Sri P.K. Shivashankaran, who has filed the complaint. The dispute is over the lapse of KSEB in the removal of redundant posts and equipments standing in the property of Sri. Abdul Rehman. On 13.6.2011, Sri. Abdul Rahiman had requested the AE, Electrical Section, Thriprayar to dismantle the existing single phase overhead line passing through his property, by removing two numbers of unused posts, numbered KFT 10/1R and KFT 10/2R, situated in his property, as these posts and connecting lines were causing much inconvenience to him. The respondent had issued an estimate notice amounting to Rs.2200/- to the petitioner towards the work deposit charges for shifting the unused posts from the property. The consumer organization, 'Nattika Upabhokthru Samrakshana Samithi, took up the issue on behalf of the petitioner and submitted a petition to KSERC. The KSERC endorsed the same to CGRF, Ernakulam, on 24/1/12 directing to dispose of the matter after observing all formalities. The CGRF disposed of the petition vide order No. CGRF-CR/COMP.70/2011-12 dated 16/3/2012. It is held therein as follows.

*"Licensee has a responsibility to dismantle and remove its electric structure once it has become redundant whether it is in private or public property. Here the petitioner wants dismantling of the posts No.KFT 10/1R and KFT 10/2R. But KFT 10/1R caters supply to consumer No. 3130. In order to dismantle this, the service wire to consumer No. 3130 has to be drawn from another post in the Nattika Beach Cotton Mill road and near to post No. KFT/10. The consent of the consumer shall be procured by the petitioner if the same is found necessary. The cost of this shifting work has to be paid by the applicant. Also dismantling of post KFT 10/2R will make the post KFT 10/3R unstable.*

*Renewal of stay/stud will be required to stabilize the post KFT 10/3R. Petitioner is to bear the cost of the same under deposit work. The petitioner essentially has to bear the cost for these two works since the requested posts of KFT 10/1R and KFT 10/2R can be declared as redundant for dismantling only after these two works are completed. The respondent shall intimate the petitioner the cost of these two works within two weeks of receipt of this order". Still aggrieved by the decision of CGRF the appellant has submitted the Appeal petition before this Forum on 24.7.2012.*

Arguments of the Appellant: -

The arguments of the appellant are based on the brief facts and circumstances of the case that is narrated above. Further, the appellant has adduced the following arguments.

Sri. Abdul Rahiman had given consent to his neighbor, Sri. Ramakrishnan, to draw an electric line across his property. An additional post (KFT 10/2R) was erected for giving this connection. Later, KSEB shifted this connection of Sri. Ramakrishnan, from an electric line passing along the public road, in front of the house of the said consumer. This shifting of line was not on the basis of any request from Sri. Abdul Rahiman or Sri. Ramakrishnan, but was done as per the interest of the respondent only. As the shifting was done without the request of the consumer, it is the duty of the respondent to dismantle the post and the associated line free of cost, as it was not further required for giving the supply.

The respondent has prepared an estimate amounting to Rs. 2200/- and directed him to remit the amount for removal of the posts. But Sri. Abdul Rahiman objected the demand for payment of the estimated amount for the removal of the posts. Later, the Appellant and his organization took this matter as a general issue and submitted a memorandum before the Chief Minister during the 'public contact program' held on 15/12/2011 at Thrissur. The issue pertains to the removal of all unwanted posts and unused KSEB materials from public places as well as private properties. The appellant challenges the version of the Asst. Engineer, in reply to the memorandum, submitted to the Chief Minister.

According to the appellant, Regulation 63 of The Central Electricity Authority Regulations 2010 is not applicable in this case. This is applicable only when the consumer or the land owner asks for any shifting or alteration of the existing line in their own interest. In this instance, none of the parties have asked for the alteration. This was done by KSEB in their own interest. Hence the consumer or land owner is not required to bear any cost whatsoever.

The appellant is satisfied with the Orders of CGRF as far as the 'general issue' is concerned. So the only issue remained to settle is the removal of post KFT 10/2R. But the appellant contended that there is no clarity on the issue of Sri. Abdul Rahiman in this. There were originally stay/struts erected on the posts of KFT10/3R and KFT10/1R and the same were removed and simply kept tied on the posts itself. The Forum has issued the orders without realizing these facts.

Another contention of the appellant is that the KSEB is taking an attitude of vengeance towards this particular consumer because of his resistance to follow their unlawful orders.

Arguments of the respondent: -

The respondent has denied all the averments and allegations contained in the petition. The respondent submits that the LT line and three numbers of electric posts were situated in the property of Sri Abdul Rahman. These poles were erected for giving 1- phase electric connections to consumer Nos: 3130, 3127 and 3128. The Consumer Nos 3127 and 3128 are the connections

given to Sri Abdul Harman himself, for his domestic and agricultural purposes respectively. The Electric supply is fed from the 100 KVA 'Bavumaster Road transformer'. Another electric OH line, fed from 100 KVA 'Nattika West No. II transformer', is passing near by, through the Panchayath road in front of consumer No. 3126. Hence post, KFT 10/3R has two electric lines, one from 100 KVA 'Nattika West No.II transformer' and another from 100 KVA Bavumaster transformer. The lines from two transformers, terminated in a post (interlinking post), is likely to cause accident. Hence it is inevitable to improve the reliability of Supply. Considering these two aspects, it is decided to make at least one span of the OH Line as 'dead line' (no supply) at the interlinking area and accordingly the same is maintained in the property of Mr Abdul Rahman.

The service connection to Sri.Ramakrishnan (consumer No: 3126) has not been shifted by the KSEB. As per the records of the post numbers of consumers, consumer no: 3126 was connected from post no: NBR 14/18. But the present post no: is KFT 10. It is the new post No. assigned, after renumbering of the poles. That is KFT 10 and NBR 14/18 are one and the same pole.

The KFT 10/2R situated in the compound of Sr. Abdul Rahman is not a redundant post. It is an interlinking pole, to feed supply either side, in an emergency condition. A lot of accidents are occurring to Board staff from this type of interlinking poles. Hence higher ups suggested that it is better to maintain a dead span in between the interlinking poles. So this type of arrangements is made in our Section office also. Since KFT 10/2R has no service connection, the line between KFT 10/1R and KFT 10/3R were made as a dead line. But the OH line and the electric pole are maintained like a live line.

Sri. Abdul Rahman requested to dismantle the said line because of misunderstanding that the dead lines have no further use in future. Since the newly joined Sub Engineer was unaware about this interlinking, he prepared an estimate to the tune of Rs. 2200/- for dismantling the line and post. After detailed enquiry, the Assistant Engineer reported that this is an interlinking line, and it could not be dismantled. It can be shifted to the boundary of the property of Sri. Abdul Rahaman under deposit work scheme, and the matter was informed to him.

As per Regulation 63, CEA Regulation 2010 (rule 82 of IE rule 1956), the applicant should remit the estimate amount for any alteration of existing line or installation. But the party approached the CGRF, Ernakulum, to get dismantle and remove the post and line from the compound of Sri. Abdul Rahman, without remitting any amount in KSEB. The Hon Forum ordered to dismantle the line and post (KFT 10/1R and KFR 10/2R) under the following conditions.

- 1). The Consent of the consumer (consumer no: 3130) shall be procured by the petitioner for shifting WP wire to post no: KFT 10 from post KFT 10/1R
- 2). The Cost of this shifting is to be paid by the applicant.
- 3). Also dismantling of post no: KFT 10/2 R will make the post KFT 10/3R unstable. So the petitioner is to bear the cost of renewal of stay/strut to stabilize the post KFT 10/3R.

Therefore, as ordered by the Hon Forum, an estimate amounting to Rs.1211/- (only labor charges for dismantling and providing two stays) was send to the petitioner requesting to remit the amount in KSEB office. But the petitioner did not remit the amount.

In the light of above facts, it is most humbly prayed that representation filed by the petitioner may be dismissed and put an order to comply the order of CGRF.

Analysis and Findings: -

The Hearing of the case was conducted on 1.11.2012 in my chamber at Edappally and Sri Shiva-shankaran and K K Abdul Rahiman, represented the Appellant's side and Sri K.S.Suthan, Asst. Exe. Engineer, Electrical Sub Division, Thriprayar, represented for the Respondent's side.

On examining the Petition, the argument note filed by the Appellant, the statement of facts of the Respondent, perusing the documents and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the final decisions.

Going through the order passed by the CGRF, it is seen, the learned CGRF has allowed the prayers of the petitioner for dismantling the posts KFT 10/2R and KFT 10/1R only after complying certain conditions like the petitioner is to bear the cost of renewal of stay/strut to stabilize the post KFT 10/3R and further the consent for the consumer (consumer no: 3130) shall be procured by the petitioner for shifting WP wire to post no: KFT 10 from post KFT 10/1R. In principle, the CGRF has agreed that the 'Licensee has a responsibility to dismantle and remove its electric structures once it has become redundant, whether it is in private or public property.' The appellant is also very much satisfied with this order of CGRF as far as these general issues are concerned. Hence the only dispute to be settled is whether the party has to make the 'payment to KSEB' for the removal of post KFT10/2R, for which the respondent asked the consumer to bear the cost of renewal of stay to stabilize the post KFT10/3R.

In the appeal the appellant has submitted the request for removal of post KFT10/2R. Hence the question of procuring the consent of consumer No.3130 is not arising. The respondent has made an estimate for Rs.1211/-, which is the labor charges required for dismantling and providing two 'stays' to the Posts and directed the consumer to bear the charges. Now the question to be considered is whether the consumer is required to bear the charges for removal of the redundant post from his property?

It is hard to believe that KSEB has changed the electric service connection of consumer No.3126, (Sri. Ramakrishnan), from post No. KFT 10/1R to KFT 10, standing on the public Road, without collecting the Charges required for the work. Usually, for shifting the service connection from one post to another, the Meter Board has also to be shifted, so that the Service wire orientation is made possible directly from the new Post. Other wise, it will require a 'support post', so as to turn the WP wire to a direction, where the Meter board is fixed. Hence that argument of the consumer that KSEB itself changed the connection from the Post standing in Mr. Abdul Rahman's property, does not appear to me as convincing. But here, the KSEB also failed to make it clear, how the shifting was arranged.

DECISION: -

The only remaining demand of the appellant is to remove the redundant post No KFT 10/2R and the associated lines standing in the property of Sri. Abdul Rahiman. The respondent's version that the line was kept as a stand by, in case of LT supply interruption from one side, for alternative feeding arrangements from the opposite side, is not convincing. Firstly, the respondent failed to produce any Board order, suggesting to keep an un-energized 1- phase OH line for interlinking purposes. Secondly, the interlinking points on the LT 3-phase lines are preferably done on the OH lines drawn on public roads and not on private properties as it is easy and convenient to approach

and do the interlinking work. Further, no interlinking of 1-phase Line (for short distance) is in practice other than for long distance OH lines or for some special purposes.

In this case under dispute, the electric post No KFT 10/2R and the associated lines on either side of the said post, is an un-energized single phase OH line and is passing through a private property. The request by the appellant is to remove it as it became redundant. The respondent has agreed that it was kept there for future use only, which is found as not sustainable, for the reasons stated above. Hence it is decided that the electric post, KFT10/2R and the associated lines on either side of the said post, standing in the property of Sri. Abdul Rahiman, shall be removed by the respondent at their own cost, as the same was found of no use as of now, and has become redundant.

The next point to decide is whether any sum is payable by the consumer towards cost of work (Deposit work) needed for putting the stay/struts on the terminal posts, KFT 10/1R and KFT 10/3R, on either side, where the Electric supply has to be terminated permanently, on the removal of the post KFT10/2R?

From the Sketch, produced before this Forum by the respondent, it shows that the Electric OH Lines, in between the Electric posts KFT 10/1R and 10/3R, are drawn at an angle with the disputed post KFT 10/2R. Whenever the electric OH line is drawn at an angle or deviates from the straight line, usually a strut or stay will be provided, to balance the pull of the Line. The appellant says that the original 'stay' of the Posts are still there and lying wounded on the concerned posts itself. Hence it is directed that the respondent shall use the same 'stays' (or replace with new one, if it is unserviceable) for the terminal posts. For carrying out the work by KSEB, Sri. Abdul Rahman, should facilitate to put the stays of the terminal posts, KFT 10/1R and KFT 10/3R, in his property. The party need not pay any deposit work amount for putting the 'stays' to the said Electric posts, as it was originally provided to the posts. The party has to pay the 'deposit work amount' only if he demands any additional work or shifting of Line, in addition to what has been ordered.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is allowed to the extent ordered. The CGRF order dated 16.3.2012 stand amended to the above. No order on costs.

Dated the 5<sup>th</sup> of February, 2013,

Electricity Ombudsman

Ref No. P/ 292/ 2012/ 1567/Dated 05.02.2013.

Forwarded to

- 1). Sri. P.K. Shivashankaran,  
NattikaUpabhokthru Samrakshana Samithi,  
2/H 156, Zam Zam Bldg., Nattika P.O. Thrissur Dt.
- 2). The Assistant Executive Engineer,  
Electrical Sub Division, KSEB,  
Thriprayar, Thrissur Dt.

Copy to: -

- 1) The Secretary, Kerala State Electricity Regulatory Commission,  
KPFChavanam, Vellayambalam, Thiruvananthapuram-10.
- 2) The Secretary, KSEB,  
Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
- 3) The Chairperson, Consumer Grievance Redressal Forum,  
KESB, Power House Building, Ernakulam- 682018.