

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024

www.keralaeo.org Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

APPEAL PETITION NO. P/102/2015

(Present: V.V. Sathyarajan)

Dated: 11th August 2015

Appellant : Sri. Syamalan
'Revathy', Adayamon P.O.,
Thattathumala, Kilimanoor,
Thiruvananthapuram.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
Kilimanoor, KSE Board Ltd,
Thiruvananthapuram

ORDER**Background of the case:**

The appellant is a domestic consumer with consumer no. 7584 under Electrical Section, Kilimanoor. The appellant alleges that the respondent had given service connection to his neighbour one Sri Jayaprasad from the LT line passing through the appellant's property after inserting an electric post without his consent. Further the appellant stated that though he has applied for shifting the above mentioned electric line passing through his property and to get the service from the electric post erected 10m away from his house was not considered by the respondent. Aggrieved by this, the appellant approached the CGRF, Kottarakkara with a petition in OP No.1289/2014 which was disposed as follows. "Therefore the forum decided to dispose this petition by directing the opposite party to shift the electric post and lines after collecting the required charges. The opposite party is directed to prepare an estimate for shifting the electric post and lines through the pathway as proposed by the petitioner and serve it to the petitioner immediately. Also the line shall be shifted within two weeks from the date of remittance of the amount by the petitioner." Not satisfied with the above order, the appellant filed this appeal petition before this Authority on 09-03-2015.

Arguments of the appellant:

The appellant's contention is that the CGRF has issued the orders without considering the real facts of the issue and even without considering the arguments raised by the appellant. Further stated that the report of AEE, Electrical Sub Division, Kilimanoor is not true but the CGRF relied on the same for issuing the orders. According to the appellant there is a post situated in the pathway which is 20 metre away from the meter board and 10 metre away from his house and the electric line drawn to this post is in parallel to his property. By shifting the existing line drawn through the middle of his property to the said post in the pathway, will clear the obstruction to construct a house for his son in future.

The appellant availed the service connection long back ago after constructing the line through the middle of his property, by cutting and removing the trees and remitting the required charges, since there was no other electric line in the pathway. Recently a new electric line has constructed in the public pathway under RGGVY Scheme. As per the request of KSEB the appellant had cut and removed the branches of the trees in his property to draw the new electric line. The AEE has omitted this fact to include in his report.

The appellant contented that there are two electric posts standing in the opposite side of the road in front of the house of Sri. Jaya Prasad and he can take connection from the above posts without obtaining consent from any person. Sri. Jayaprasad requested the appellant's consent to draw service wire from the existing line to get the service connection. As the appellant was prepared to shift the existing line he has not given consent. However, Sri Jayaprasad availed service connection from the LT line in question even without appellant's consent by influencing the staff of the respondent that too when he was out of station.

The appellant further complained that the officials of the respondent ill treated to him and not taken any action to redress his grievances. The appellant's request to remove the electric line drawn through the middle of his property and by extending the connection from the newly erected post in the pathway was not taken into account.

Arguments of the respondent

The respondent stated that the service connection to the appellant's premises was given about 18 years ago after erecting two posts in his property. On verifying the records, it is found that no application for transfer of service line and effecting connection from the posts standing in the pathway has been received from the appellant. The service connection was given to Sri.

Jayaprasad based on the findings that as this is the shortest and suitable route available. This was given by erecting a post in the property of Jayaprasad from the line drawn in between the electric posts situated in the appellant's property. For giving the service connection to Sri. Jayaprasad, no electric post erected and service wire drawn through the property of the appellant. So this service connection does not require any consent.

Recently along the northern side of the property of the appellant a new electric line was erected in the public pathway under RGGVY Scheme. The respondent argued that the shifting the posts and electric line from the appellant's property to the post standing in the pathway can be done easily before 10-06-2014 i.e. before giving connection to Sri. Jayaprasad, provided the appellant requested for shifting and to remit the work deposit amount. The respondent now stated that the appellant has to bear the expenses for shifting and giving connection to Sri Jayaprasad also. In CGRF's order, it is specified only shifting of the appellant's connection and nothing has been mentioned about reconnection to the house of Sri Jayaprasad.

Analysis and findings

The Hearing of the case was conducted on 16-07-2015, at KSEB Inspection Bungalow, Paruthippara, Thiruvananthapuram and Sri S. Syamalan represented the appellant's side and Sri M. Chandran, Assistant Executive Engineer, Electrical Sub Division, Kilimanoor represented the respondent's side. On examining the petition, the argument note filed by the appellant, the statement of facts of the respondent, perusing all the documents and considering all the facts and circumstances of the case, this Authority comes to the following conclusions and findings leading to the decisions thereof.

The main request of the appellant is to shift the service line drawn through his property and to effect service from the nearby electric post standing in the public pathway. The existing service line and post were erected exclusively for giving connection to the appellant. The respondent inserted a post in the existing LT line passing through the appellant's property for giving service connection to the neighbour without obtaining appellant's consent.

As per Regulation 22 of the KSEB Terms and Conditions of Supply, 2005, "The ownership of the service line, even if the cost is borne by the consumer, rests with the Board. This will be applicable for lines constructed by the consumer paying supervision charges to the Board. The Board will be responsible for the maintenance of the service line as well as for giving new service connection. The Board is at liberty to take service lines from the Meter or cut out or any service post of any consumer to give connection to another consumer even by crossing the property of the consumer with the consent of the owner and making the least damage possible to the consumer." In this

particular case it is not fair from the part of the respondent to effect service connection to Sri Jayaprasad even without discussing the issue with the appellant as the appellant has already approached the respondent for shifting the above said line.

From the records it can be seen that the LT line is drawn for giving service exclusively for the appellant and was drawn through the appellant's property only. In such a situation the argument of the respondent that for giving service connection to Sri Jayaprasad from the line drawn through the appellant's property does not require any consent is not found genuine. When the appellant raised such an objection in giving service connection from the line it is better to take up the matter with the Additional District Magistrate for proper conduct of the case. This was not seen done by the respondent, but effected service connection when the appellant was out of station. Hence the appellant's contention that the service connection effected to Sri Jayaprasad is after influencing the staff of respondent can be admitted. Hence this Authority is of the view that effecting service from the LT line drawn through the appellant's property without his consent to Sri Jayaprasad is found not in order.

Regulation 95 of the Supply Code, 2014 deals with the procedure for shifting electric line or electric plant of the Licensee. It is obligatory for the licensee to act according to the provisions in the Supply Code. The licensee shall shift the electric line if the conditions specified in sub regulation (4) of Regulation 95 are complied with the applicant. The applicant is required to remit the labour charges for shifting the electric line.

Since the LT line had been constructed about 18 years ago for the exclusive use of the appellant at his cost, effecting the service under question from this line even without any permission from the appellant cannot be justified. Hence this Authority feels that Sri Jayaprasad has to avail service connection from an alternate route as directed by the respondent. It is the responsibility of the respondent to suggest a feasible and an ideal route for effecting the connection.

Decision

In view of the above discussions, the respondent is directed to issue notice to Sri Jayaprasad for availing service connection from an alternate route as suggested by the licensee and to make necessary payments for the same. If he is not ready to accept the suggestion, steps may be taken to disconnect the supply after issuing proper notice. The appellant is directed to submit an application along with required fees as insisted in the Regulation 95 of Supply Code, 2014 for shifting the LT line passing through his property. The

respondent shall carry out the work within a period of 30 days from the date of receipt of this order, provided the appellant fulfills the requirements.

Having decided and concluded as above it is ordered accordingly. The appeal is found having some merits and hence admitted. The order of CGRF is modified to the extent as ordered above. No order as to costs.

ELECTRICITY OMBUDSMAN

Petition No. P/102/2015/ _____ Dated: _____

Forwarded to:

1. Sri. Syamalan, 'Revathy', Adayamon P.O., Thattathumala, Kilimanoor, Thiruvananthapuram.
2. The Assistant Executive Engineer, Electrical Sub Division, Kilimanoor, KSE Board Ltd, Thiruvananthapuram

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.