

**THE STATE ELECTRICITY OMBUDSMAN**

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

[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

---

APPEAL PETITION NO. P/065/2016

(Present: V.V. Sathyarajan)

Dated: 08<sup>th</sup> February 2017

Appellant : Sri. Damodaran K  
Anu Stores,  
TC No. 26/2005/1-2  
Statue,  
General Hospital Road,  
Thiruvananthapuram.

Respondent : The Assistant Executive Engineer,  
KSE Board Limited,  
Electrical Sub Division,  
Puthenchantha,  
Thiruvananthapuram.

**ORDER****Background of the case:**

The appellant, Sri Damodaran K., is a commercial consumer with consumer number 1750 under Electrical Section, Puthenchantha. The grievance of the appellant is that a nearby building owner of Swapna Lodge erected a name board and an insulated wire was drawn through the outer wall of the appellant's building for lighting the name board. As appellant's building is more than 50 years old, the wall of the building caused crack and damage due to clamping of insulated wire with PVC pipes. So, the appellant requested to remove the said wiring, but the owner of the nearby building denied his request. Then the appellant filed a petition before the Assistant Engineer who is also failed to take any action on his request. Aggrieved against the inaction of the Assistant Engineer, the appellant filed petition before the CGRF, Kottarakkara which was dismissed due to lack of merits, vide order OP No. 89/2016 dated 12-08-2016 and hence the appellant preferred this appeal before this Authority.

**Complaint of the appellant:**

The contentions of the appellant in his appeal petition are the following.

The appellant is conducting bakery business in the building No. TC 26/2005 occupied by him for the last 28 years. The building is more than 50 years old. The

nearby building owner of Swapna lodge has erected a name board and for which wiring for a length of 9.2 meters was done through the outer wall of appellant's shop building by clamping with PVC pipes and nails. The appellant's contention is that due to the illegal wiring through the outer wall of the building caused crack and damage to the wall. The name board is erected in a distance of 4 meter from the lodge and there is scope for taking the connection to the name board by using overhead or underground cable. Though the appellant has submitted petition to the Assistant Engineer to remove the wiring, no action was seen taken. Hence the appellant requested to direct the respondent to remove the wiring from the outer wall of the building.

### **Version of the respondent:**

This petition is filed by Sri Damodaran on behalf of consumer No.1756 under the jurisdiction of Electrical Section, Puthenchantha. The building of Anu Bakery and Swapna Lodge are adjacent to each other by the side of Statue, General Hospital Road, Trivandrum. There is no compound wall to separate these buildings. The display board of the Swapna Lodge is electrically connected through the outer wall of the building of Anu Bakery by drawing wire through PVC pipe. The appellant claims that he runs the Anu Bakery and wants to remove the wiring, alleging damage to the wall of the bakery. Since the petitioner was unable to prove the right to complaint and there is no danger in wiring, the petition was dismissed by the licensee. Aggrieved by this, the appellant has approached Honourable CGRF (South) vide OP No. 89/2016. As the petition has no merit the Honourable Forum dismissed the petition on 12-08-2016. Aggrieved by the order of Honourable CGRF (South) this petition is filed.

The appellant has not produced any document to prove that he is legally occupying the premise. The original owner can approach appropriate court for legal remedy if want to remove the wiring. Actually the original dispute is about the ownership of the property. Also there is no allegation that wiring is dangerous electrically so that KSEB Limited has to take action. Moreover, during the inspection of this office with the Assistant Engineer on 24-10-2016 the PVC pipe with wiring is seen removed from the disputed wall. Hence the grievance is addressed. Since the cause for grievance doesn't exist, this petition is liable to be dismissed.

The respondent also stated that on 24-10-2016 an inspection was conducted and it was seen that the connection to display board of the adjacent lodge through the disputed wall is removed. The appellant is not the registered consumer or legal owner of the premise or the registered consumer. Neither the appellant has any consent from legal owner. The appellant is unable to submit any new or additional facts, which was not considered before Hon'ble CGRF in this petition. Considering the above facts that the ground for complaint doesn't exist as the PVC pipe and wiring was removed by the lodge owner, it is prayed that the Honourable Ombudsman may be pleased to dismiss this petition.

### **Findings**

When the matter was taken up for disposal on 20-12-2016, the appellant was present and on the respondent's side Smt. T.V. Asa was also present.

The appellant submitted that his grievance was redressed since the insulated wire drawn through the outer wall of appellant's building for lighting up the name board for Swapna Lodge was removed. This fact was also reiterated by the respondent. So, there is no need for any further adjudication of the issue. The only apprehension of the appellant was that there may not be any drawing of insulated wire through the outer wall of the appellant's building by the said nearby owner of Swapna Lodge. The respondent assured that periodical surveillance will be done by the officials of the respondent in this regard. The respondent is also directed to take proper action if any violations of the rules and provisions in the Electricity Act and Supply Code by the parties concerned. Anyway, in view of the fact that the matter is settled I am not going into the merits of the rival contentions raised in the appeal.

In the above circumstances the appeal is disposed of as above. The order OP No. 89/2016 dated 12-08-2016 is set aside. No order as to costs.

## **ELECTRICITY OMBUDSMAN**

P/065/2016/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. Damodaran K, Anu Stores, TC No. 26/2005/1-2, Statue, General Hospital Road, Thiruvananthapuram.
2. The Assistant Executive Engineer, KSE Board Limited, Electrical Sub Division, Puthenchantha, 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-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506