

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/079/2016
(Present: V.V. Sathyarajan)
Dated: 28th February 2017

Appellant : Smt. Saudha Beevi S.,
Hassanar Manzil,
Muslim Street,
Kottarakkara
Kollam

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd,
Kottarakkara,
Kollam

ORDER

Background of the case:

The appellant, Smt. Saudha Beevi S, is a consumer with consumer No. 358, under the jurisdiction of Electrical Section, Kottarakkara (West). The appellant has got 40 cents of land in Ward No. 3 of Kottarakkara Municipality, which is located near Muslim Street. The appellant divided 40 cents of land to her 3 daughters with 10 cents each and all of them are intending to construct their own building in the property allotted to them. The allegation of the appellant is that a transformer proposed to install in front of her property will cause danger to her life and property. So the installation of the transformer in front of the said property will be an obstruction for further construction of buildings.

The appellant approached the CGRF, Kottarakkara with a complaint seeking immediate relief to avoid the erection of transformer in front of her property. But the Forum disposed the petition in OP No. 152/2016 dated 30-09-2016 directing the respondent to erect the transformer in the road side after taking safety precautions

as per the prevailing rules. Against the order of the Forum, the appellant filed this petition before this Authority.

Arguments of the appellant:

The appellant stated that she has 40 cents of ancestral property in Muslim Street under the jurisdiction of Electrical Section, Kottarakkara (West). This property was partitioned and given to her three daughters as shares of 10 cents each for constructing building. The appellant had submitted petitions before the respondent against the installation of a transformer at the road side in front of her property. She fears the erection of 100 kVA transformer in front of her property will cause danger to her life and property. It is also contended that the transformer is being erected without observing statutory formalities.

Another point raised by the appellant is that the erection of the transformer at the road side is violating the safety measures and safety clearance. The width of the road in front of the property where the new transformer proposed is 5.85 metre there should have a protective fence around it (need minimum 1.5 metre) and to have a minimum clearance of 1.5 metre from the compound wall that will have a balance width of 2.85 metre for the road. The appellant's property have a road frontage of 61 metre, divided to four parts and this was given to her daughters to make home in their allocated property. The appellant is objecting the installation of the proposed transformer in front of one part of the 10 cents allocated to a daughter.

Arguments of the respondent:

The appellant Smt. Saudha Beevi, Hassanar Manzil, Muslim Street, Kottarakkara possesses an electric connection under LT I A tariff. (Registered Consumer is Sri Haneefa A.M., Hassanar Manzil, Muslim Street) having Consumer No 358 at Muslim street area under KSEB Electrical Section, Kottarakkara (West) under Electrical Sub Division, Kottarakkara and Electrical Division, Kottarakkara. She is a 65 year old widow and is staying with her school going granddaughters at Muslim street, Kottarakkara. She is aggrieved by erecting of a transformer near her property which she divided among her daughters.

The above OP is filed against the order of Honourable Consumer Grievance Redressal Forum (South) dated 30-09-2016 in OP No 152/2016 regarding erection of a transformer near her property. The appellant is raising the following contention.

1. That the transformer is erected without observing statutory formalities.
2. The proposed transformer is danger to her life and property. On receiving the complaint an inspection was conducted on the premises on 21-06-2016.

On inspection the following observations are made.

- 1- The transformer (100 kVA) is proposed to be erected in MES road under III ward (Sasthamughal) of Kottarakkara Municipality which is energised by 11 kV Puthoor feeder of Kottarakkara 110 kV Sub Station.
- 2- The present LT feeding is from Muslim Street 250 kVA transformer which is energised by Kottarakkara 11 kV feeder from Kottarakkara 110 kV substation.
- 3- The length of LT feeder is around 5 kilometre and has 3 LT feeders.
- 4- The night peak voltage of the Muslim Street 250 kVA transformer is as follows.

Date	Time	Load in amps			Voltage		
		R	Y	B	R	Y	B
06-05-2016	19:25	131	127	140	210	208	212
12-08-2016	19:40	167	152	180	203	200	209

- 5- For erecting the transformer 700 metres of 11 kV line has to be drawn from Palavilathody to proposed transformer point
- 6- The details of consumers under Muslim Street 250 kVA transformer is as follows.

Domestic consumers	-	300 Nos.
Industrial consumers	-	5 Nos. (60 kW)
Commercial consumers	-	40 Nos. (80 kW)
HT consumers	-	nil
- 7- The width of the road where the transformer (100 kVA) is proposed to be erected is 5.85 metres.
- 8- The total frontage of the appellant's property is 61 metres.
- 9- The distance between the appellant's house and the proposed site.
- 10- The distance from the present transformer to the proposed transformer is 1 kilometre
- 11- Fag end voltage at Muthuvanoor is 200 Volts which is about 3 kilometres from Muslim Street.

Various complaints were received from the public as well as people's representatives regarding severe low voltage problems under Sasthamughal area of Kottarakkara Municipality. It may please be noted that as per Clause 7 of Kerala Electricity Supply Code, 2014 it is specified as "Provided that variations in voltage at the point of supply within the limits specified is six percent on higher side and lower side in the case of low tension supply" and it is the duty of the licensee to maintain voltage within the prescribed limits. Hence a proposal to install a 100 kVA transformer after drawing 700 metres of 11 kV line was sanctioned in the normal development scheme of the license for the year 2016-17 vide AS No. 06/05-05-16 of Executive Engineer, Electrical Division, Kottarakkara for Rs.10,08,515.00.

It may please be noted that the amount for the above work is being met only from the licensee's fund. The licensee being a Government Company can act only as per the existing rules. Hence, the allegation of the appellant that the licensee is erecting the transformer without observing the formalities is not correct. It may also be noted that the appellant in her complaint to Honourable Consumer Grievance Redressal Forum (South) dated 30-09-2016 in OP No 152/2016 itself is clearly mentioning that the transformer is being erected to rectify the low voltage problem.

The people's representative (Municipal Councillor) of Sasthamughal area in Kottarakkara Municipality, Smt. Shamla, Chairperson, Health Standing Committee, Kottarakkara Municipality in OP No 210/2016 before Honourable Consumer Grievance Redressal Forum (South) pleaded to pass necessary orders for erecting the proposed Transformer at Sasthamughal area since the area is affecting severe low voltage problems. The Honourable Consumer Grievance Redressal Forum (South) conducted hearing on 24-09-2016 for the above two OP's and pass its order on 30-09-2016 directing the opposite party to erect the proposed transformer.

In the above circumstances this Honourable Kerala State Electricity Ombudsman may be pleased to dismiss the complaint.

Analysis and findings:

A hearing of the case was conducted in the Court hall, CGRF, Kottarakkara on 21-12-2016. Smt. Saudha Beevi, Sri. Naseer Khan and Smt. Aseena S Hazanar were present for the appellant's side and Sri. G. Soni, Assistant Executive Engineer, Electrical Sub Division, Kottarakkara and Smt. Manju K., Assistant Engineer, Electrical Section, Kottarakkara (West) represented the respondent's side. The brief facts and circumstances of the case that led to filing of the petition before this Authority are narrated above. On examining the petition of the appellant, the statement of facts filed by the respondent, the arguments in the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The appellant's contention is that there is no voltage drop in that area as claimed by the respondent and if it is necessary to install a transformer, there is

ample space other than in front of the appellant's property and the proposal is with ill motive. At the same time the contention raised by the respondent is that the installation of the transformer in the area is due to various complaints received from the public as well as representatives of local bodies regarding severe low voltage problems. During the hearing the appellant has intimated that they approached the District collector for settling their grievances. As per the direction of District Collector, a report was called for from the Village Officer concerned. According to the Village Officer, there is Purambokku land from the proposed land at about 150 metres. There is also width of 9 metres for the road. Hence this location is proposed for the erection of transformer, but the District Collector has not issued any order.

While the matter was pending this Authority tried for a settlement and decided to appoint a Commission for conducting site inspection and to obtain a detailed report for taking further steps in the matter. Accordingly, direction was given to the Deputy Chief Engineer, Electrical Circle, Kottarakkara to depute an Assistant Executive Engineer to inspect the site and report whether the proposed location is ideal and makes any inconvenience to the appellant and if so suggest suitable location so as to avoid further objections in this regard. Accordingly, Deputy Chief Engineer, Electrical Circle, Kottarakkara reported that Sri Suresh Kumar G, Assistant Executive Engineer, Electrical Sub Division, Punalur was deputed for site inspection and for suggesting suitable location for the erection of transformer if the proposed location is not an ideal one.

Accordingly the site inspection was conducted by Sri Suresh Kumar, Assistant Executive Engineer on 10-01-2017 along with the appellant's representative and reported as follows.

***“The property situated in Muslim Street, Kottarakkara at a distance of about 400 metres from the over bridge in the direction of MGS School. Two poles had been erected by the side of the said property for constructing a 10 feet DP towards the erection of transformer at a distance about 4 metres from the north-west corner boundary in the road side in front of the compound wall of that property. The above property seems as one plot having a common boundary compound wall and no physical partition seen between the shares in that property. But Smt. Saudha Beevi submitted land tax receipt documents as proof of the shares in that property. As per the documents produced by the appellant, the proposed DP structure will definitely come in the centre of the western share of the property. The road is having nearly 6 metres width in that area where the transformer is going to be erected. Moreover, the opposite side of the road at the point is having about 2 metre depth and thereby a constraint of adequate width may be resulted which in turn will create obstruction to the movement of vehicles and cause the same as an accident area. This chance will be added due to the curved and slanted road towards the western side of the proposed area. On enquiry the same fear and mental agony were expressed by the local people adjacent to the proposed area.*”**

Since the proposed area in front of the compound wall the erection of transformer as per statutory clearance will be difficult and much carefulness have to be exercised. Hence in my opinion the proposed site having DP erected is not ideal one as far the above safety and statutory clearance aspects are concerned. In the circumstances, I have enquired into the area regarding the suitable site for the erection of transformer which is as follows.

- 1. There is a vacant space which is about 175 metres on the direction of East-North along the road in front of the proposed site, on the northern side of that road in between a landmark of Smaraka Sthoopam and a bore well hand pump and compound wall and by the side of the curve of the road and near the junction with an Anganwadi.***
- 2. There is an alternative location which is between the proposed location and the first alternative proposal at about 100 metre away from the erected DP on the same road on the southern side having rising earth dumped. But a detailed enquiry is needed to identify whether that area is private or public.***

I am concluding this report with an opinion that the already proposed site with already erected DP for transformer erection is not an ideal one against which I am recommending the first alternate proposal for the same”.

The contention raised by the appellant that there is no voltage drop in that area and installation of transformer is unnecessary. This is not a matter to be considered and decided by individual consumers or by the appellant. The requirement of voltage improvement work is to be considered by the licensee after evaluating the existing feeding arrangements of the distribution network. So, this Authority directed the Executive Engineer, Electrical Division, Kottarakkara to conduct an enquiry and report whether the voltage improvement work is beneficial for the system and the public. Accordingly the Executive Engineer conducted a detailed enquiry and reported that the installation of transformer is beneficial for the system and the public. Hence I am of the opinion that there is no merit in the contention raised by the appellant.

In the case of voltage improvement work and installation of transformer, erection of DP structure is required. Normally the property owner to whom such erection of DP structure, poles and 11 kV line cause inconvenience will raise objection unless the officers of the licensee acted in a sensible manner. If the locations for erecting the DP structure and poles were identified and finalized in consultation with the parties concerned this sort of issues could have been easily settled. It is proper to discuss such issues with people’s representatives when there are objections from the locals. A prudent interference from the respondents would have taken this sort of issue can be settled then and there. Here in this case, no such intervention from the part of respondent is seen taken which resulted for the whole issue.

Though the Enquiry Commission has identified two sites for the erection of transformer, he recommended the first proposal as it is found more feasible. Hence the respondent is directed to carry out the installation of transformer to the site as proposed by the Enquiry Commission. The shifting work is completely confined to the public road and the respondent shall take utmost care to avoid any further incursion into others properties.

Decision

In view of the above discussions, the respondent is directed to carry out the installation of transformer to the site as recommended by the Enquiry Commission.

Having concluded and decided as above it is ordered and the appeal is disposed of accordingly. The order of CGRF in OP No. 152/2016 dated 30-09-2016 is set aside. No order as to costs.

ELECTRICITY OMBUDSMAN

P/079/2016/ _____ /Dated: _____

Delivered to:

1. Smt. Saudha Beevi S., Hassanar Manzil, Muslim Street, Kottarakkara, Kollam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kottarakkara, Kollam

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.