

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/013/2018
(Present: A.S. Dasappan)
Dated: 23rd April 2018

Appellant : Smt. K.G. Sujatha
Kandathil Veedu, Punnamada,
Alappuzha.

Respondent : Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited, Moncombu,
Alappuzha.

ORDER

Background of the Case

The appellant in this appeal petition is a consumer of Electrical Section, Kainakary, having consumer number 29148. An electric line was drawn after erecting 5 Nos. of electric posts through the land owned by the appellant, without her consent. Aggrieved by this, the appellant had approached the CGRF, Ernakulam by filing a petition in OP No. 50/2017-18. The Forum allowed the petition and directed the respondent to remove the electric line and posts from the petitioner's property and to draw the line through the alternate route as suggested by the respondent, without collecting charges from the petitioner vide order dated 20-01-2018. Aggrieved against the non implementation of the order by the respondent, the appellant has submitted this appeal petition before this Authority.

Arguments of the appellant:

The appellant owns one acre of land and the major yields from the property are coconuts and bananas. These are the main source of income of the family of the appellant. It was noticed by the appellant that an electric line was drawn after erecting 5 Nos. of electric posts through the land without her consent. This caused inconvenience to pluck the coconuts and to cultivate plantain. Complaints were given to various authorities of KSEBL, but no action

taken by them. Hence she approached the CGRF with a petition which was allowed and directed the respondent to remove the electric line and posts from the property of the appellant by drawing the alternate route suggested by the respondent. Due to non compliance of the order dated 20-01-2018 of the CGRF, the appellant approached this Authority with a request for direction to implement the orders.

Arguments of the respondent:

LT single phase line passing through the paddy field under Electrical Section, Kainakary was shifted to the river bank based on the application received from the Alappuzha Municipality under PPS Scheme by remitting Rs. 59,349/ with the intention of development of river bank area of Kuttanadu. Presently service connections were given to two domestic consumers in the shifted portion of the line. The work was completed in June 2017. There was no compliant from any comer while executing this work.

Later one Smt. Sujatha filed a compliant before CGRF Central Region arguing that the property to which the line shifted was belonging to her property and sought an order to remove the line from her property.

The CGRF allowed her petition with the direction to remove or shift the line to alternate route by bearing the cost by KSEBL itself.

On receiving the Order No CGRF OP No. 50/2017-18/463/ Dt. 20/1/2018, requesting a direction for the compliance of this order was sent to the Legal Advisor & Disciplinary Enquiry officer, Thiruvananthapuram on 3/2/2018. But necessary direction for the compliance of the order is not received till now.

Analysis and findings:

The hearing of the case was conducted on 11-01-2018, in the Conference hall of Vydhyuthi Bhavanam, Alappuzha and the appellant was represented by Smt. Sujatha K.G. and Smt. Saija P.U, Assistant Executive Engineer, KSEBL Moncombu Sub Division appeared for the respondent and they have argued the case, mainly on the lines stated above.

On examining the Petition and argument notes 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 final decisions thereof.

The brief facts of the case are narrated above.

The CGRF, Central Region, Ernakulam has issued an orders allowing the petition of the appellant. But the grievance of the appellant is non-implementation of the orders by the respondent till date.

Decision:

As per Regulation 27(6) of KSERC (CGRF & Electricity Ombudsman) Regulations, 2005, non compliance of awards/orders/direction of the CGRF and Ombudsman by Distribution Licensee shall be considered as non-compliance of the Provisions of Electricity Act, 2003 and the Regulations made there under and KSERC shall proceed accordingly. Hence the only solution to redress the grievance of the appellant is to approach the Hon'ble Commission regarding non-compliance of orders and for further actions under Section 142 of Electricity Act, 2003 against the concerned.

Having concluded and decided as above, it is ordered accordingly. The CGRF order No. 50/2017-18 dated 20-01-2018 is confirmed. No order on costs.

ELECTRICITY OMBUDSMAN

P/013/2018/ _____ Dated: _____

Delivered to:

1. Smt. K.G. Sujatha, Kandathil Veedu, Punnamada, Alappuzha.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Moncombu, Alappuzha.

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, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.