

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/012/2018  
(Present: A.S. Dasappan)  
Dated: 15<sup>th</sup> May 2018

Appellant : Sri. George Joseph  
Madathikunnel veedu,  
Kavumbhagam P.O.,  
Thekkethukavala,  
Kottayam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd.,  
Ponkunnam,  
Kottayam

### **ORDER**

#### **Background of the case:**

The appellant has filed the appeal petition, being aggrieved at the inaction of KSEB to shift the electric line passing through his property to the road side, situated under Electrical Section, Ponkunnam. Though the appellant had approached the KSEB for shifting the 11 kV line, they had prepared estimate amounting to Rs. 90,371/- and later Rs. 73,597/- and demanded the appellant to remit the same. The appellant is aggrieved by the huge sum demanded by KSEB for the work, he has filed petition before the CGRF, Kottarakkara vide Petition No. OP No. 536/2017 and the CGRF has disposed it by order dated 02-02-2018, with the remarks as; “ the LT line can be shifted from the property of the petitioner and others based on the remittance of work deposit amount.” Still aggrieved by the said order, the Appellant has filed the Appeal Petition, before this Authority.

#### **Arguments of the appellant:**

The appellant had filed a petition before the Consumer Grievance Redressal Forum, Kottarakkara for the shifting of the unsafely drawn electric line in the property of the appellant and other two neighbours to the nearby road having no electric lines. The appellant and the others are not satisfied with the order of Consumer Grievance Redressal Forum. They have not

conducted any enquiry on the matter and approached the subject without seriousness. Also the District Collector has not given any direction to the Board to maintain the status quo of the electric line. Though a petition was given before the Hon'ble Chief Minister in 2015 in the public contact programme conducted by him, the Deputy collector had convened only a counseling in the subject matter.

The appellant requested to shift the above electric line from their property to the nearby road in KSEB's cost so as to get the benefit of the line to the public.

**Arguments of the respondent:**

The appellant, Sri. George Joseph, Madathikunnel House, Kavumbhagom P.O. has requested for shifting the LT line from his property and the properties of Sri. Babychan Vallikunnel and Smt. Rossamma, Urumpu Nirappel to public road. For this shifting work about 300 metre of new LT Single Phase shall be constructed along the road and 100 metre of LT single phase line shall be dismantled from the private properties. This is for feeding the LT supply from the 100 KVA Cheruvally Vayanashala Transformer station. The estimate amount for doing the work in deposit work scheme is Rs. 90,371/- (Route 1). Besides above route, there is another route for shifting the line from private properties to public road. For this route about 280 metre of LT single phase line is to be constructed along the public road and 100 metre of LT line to be dismantled from the private properties. The estimate amount for doing the work in deposit work scheme is Rs. 73,597/- (Route 2). In this route LT supply can be fed from the 100 kVA Padanilam transformer station.

It is also reported that the appellant has submitted the same complaint in the Hon'ble Chief Minister's Jana Sambarka Paripadi, 'Karuthal' 2015 held at Kottayam vide No. KTBR200392 and a detailed reply in this regard was given to the appellant by the Executive Engineer, Electrical Division, Ponkunnam.

The appellant has filed the same complaint before the District Collector, Kottayam on 10-6-2015. The Additional District Magistrate, Kottayam has heard the appellant on 09-12-2015 vide proceeding No.K.Dis.28934/2015/MI dated 16-12-2015. The Additional District Magistrate has ordered that to maintain the status quo of the lines since the appellant is not willing to remit the deposit amount and there is no government order for exempting the appellant from paying deposit amount. It is further ordered that if the appellant is willing to remit the deposit amount or on receiving the order from the government for exempting the payment of deposit amount, then the shifting of line as per the request of appellant can be done.

Based on the complaint of the appellant, Dr. N. Jayaraj, MLA, Kanjirappally has forwarded a request dated 27-01-2016 for preparing a rough estimate for constructing the street main along the said locality. On 07-4-2016

the Executive Engineer has intimated to the MLA that the estimate amount for the construction of street line is Rs. 5,13,850/-. This amount was not remitted from the MLA fund or by local body.

It is also reported that based on the complaint of the appellant and others in the locality regarding the frequent supply interruption and low voltage problem, a Voltage Improvement Work at Karakkamattom to Netaji Vayanasala road was sanctioned vide AS No.24/14-15/30-10-2014 from this office for constructing 427 metres of LT three phase line afresh and the estimate amount for the work is Rs. 1,28,100/- and this work was completed during financial year 2015-16. On completion of this work the frequent supply interruption due to tree and tree branch falling has minimized to a large extent and low voltage problem is also rectified. From the end of newly constructed three phase line one branch line is passing through the private property of the complainant. There is no sufficient consumer strength for constructing the three phase line along the entire road mentioned in the complaint.

The complaint is intended mainly for shifting the existing LT single phase line from the private property than the reliability of the supply in the area since the work for improving the reliability of the supply in the area has already done in the area. It is also clear that the touching to electric line in the area mainly from the trees in the property of the Appellant.

In this regard, the Complainant had submitted a petition before the Taluk Legal Services Committee, Kanjirappally on 13-11-2017 .While hearing the matter by the Committee, the Complainant had raised another complaint before the Committee that the LT lines in his property are in dangerous condition due to LT touchings. This complaint was redressed by cutting and removing the touchings and over hangings on the lines and by reshackling the lines in the presence of the complainant on 18-11-2017.

The KSEBL is ready for shifting LT line from the property of the appellant and others on remittance the amount for the deposit work at the prevailing rate either by the appellant or by any other funding agencies.

**Analysis and findings:**

The hearing of the case was conducted on 11-04-2018, in the Conference hall of Vydhyuthi Bhavanam, Alappuzha and the appellant was represented by Sri. George Joseph and Sri. Anup Kumar, Assistant Executive Engineer, KSEBL Ponkunnam 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 complaint is regarding the shifting of LT line from private property of the appellant and two others to public road under Electrical Section, Ponkunnam.

There are two technically feasible routes for the shifting of the line. The estimated cost is Rs. 90,371/- and Rs. 73,597/-. The appellant is not willing to remit the amount and requested to shift the line at KSEBL's cost. The ADM has also ordered to shift the line with cost. The line (single phase, two wire) passing through 3 properties including that of the appellant and one pole is in the property.

This Authority had conducted a site inspection of the premises on 09-05-2018. The respondent has admitted that the shifting of the line is technically feasible and he is ready to carry out the work on remittance of the estimate amount of deposit work. But the appellant is not willing to remit of the amount which caused the non execution of the shifting work.

The CGRF has ordered that the LT line passing through the property of the petitioner and others can be shifted to the road based on the remittance of work deposit.

On inspecting, it is revealed that the shifting of the entire line through the above properties including that of the appellant to the road will strengthen the line and will be more access to the respondent for the line patrolling, maintenance, safety aspects etc. The line is drawn for exclusively for the use of the appellant and his neighbours. The second route proposed by the respondent is found as technically feasible and more economical. In this proposal the total length comes to 280 metres and the estimate is prepared for this distance under OYEC scheme. The materials (one post and 2 line wire etc) of 100 m can be used for drawing the 280 m line. This Authority also feels that if there is availability of an alternate way technically feasible without disturbing the appellant's peaceful enjoyment of his property, there is no justification on the part of respondent to deny that advantage to the appellant that too charging the expenses if any from the appellant for shifting the line as per the provisions in Regulation 95 of Supply Code, 2014.

Hence Regulation 95 of 4(c) of Supply Code, 2014 clearly states that the application for shifting an electric line or electrical plant shall be granted if the applicant remits the labour charges required for shifting the electric line or electrical plant. Hence the respondent shall prepare a revised estimate under work deposit for the new line to be constructed 180 metres and use the 100m dismantled portion for shifting the line from the properties along with labour charges for the complete work.

## **Decision**

From the analysis done and conclusions arrived at, I take the following decision.

The respondent shall prepare a revised estimate for the deposit work amount comprising of the construction of the 180 metres of LT single phase 2 wire and labour charge of shifting of 100 metres (i.e., labour charges for the shifting of existing single phase line to the road and estimate cost for the additional single phase 2 wire line construction) and if the appellant is willing to remit the amount, the respondent shall carry out the work. The estimate cost can be shared with the two other beneficiaries by the appellant, if possible. The order of CGRF is modified to this extent.

After completion of the work, the respondent shall prepare an evaluation statement of the work based on actual quantities. The appellant shall remit the excess cost if any, within one month, failing which the Licensee shall be entitled to recover the same, as if it was arrears of current charges under appropriate regulations. Excess remittances if any shall be refunded by the respondent by adjustment in the monthly current charges/direct refund within a period of 3 months.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having merits and is allowed to the extent it is ordered.

### **ELECTRICITY OMBUDSMAN**

P/012/2018/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Sri George Joseph, Madathikunnel veedu, Kavumbhagam P.O., Thekkethukavala, Kottayam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Ponkunnam, Kottayam.

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.