

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION NO. P/081/2018
(Present: A.S. Dasappan)
Dated: 17th December 2018

Appellant : Dr. Shaheen C.
Cheemadan House,
Areacode P.O.,
Malappuram

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Wandoor,
Malappuram

ORDER

Background of the Case

The appellant approached the respondent for shifting an electric pole situated in his property. Since no action was taken in the matter, the appellant approached the CGRF with the request for shifting the pole from his property to the PWD area, which was disposed of by order dated 23-08-2018 as “(1) The respondent shall shift the electric pole situated in the property of the petitioner to the proposed location under deposit work within the stipulated time. (2) The respondent shall consider the request of the petitioner to shift the pole within his property, subject to the feasibility, so as to reduce the expenditure”. Hence this appeal is against the order dated 23-08-2018 of CGRF, Kozhikode, in the OP 46/2018-19, filed before it.

Arguments of the appellant:

The electric pole with No. CV81 situated inside the property of the appellant is creating inconvenience for the free movement in the property. The appellant is not an electricity consumer of KSEBL. The appellant had filed petition in KSEBL office for the shifting of the electric post from his plot to the PWD area. But they demanded a huge amount in between Rs. 10,000/- and 15,000/- and hence the

appellant approached CGRF, Calicut. The CGRF, after two hearings, ordered to remit Rs. 17,367/- for shifting the post.

The appellant requested to shift the electric post from his property at KSEB's cost or realizing cost from the beneficiaries.

Arguments of the respondent:

The appellant's property, where the shifting of electric post is required comes under the jurisdiction of Electrical Section, Mampad. Initially the appellant approached the CGRF, Kozhikode directly for removing the electric pole situated in his property without approaching the section or giving application in Electrical Section, Mampad for the said work.

On receiving the complaint from the CGRF, Kozhikode in this connection, the Assistant Engineer of the Section informed the Appellant to submit an application for the same and to remit necessary fees for the subject work at Electrical Section Mampad vide letter No. AE/ES-Mampad/2018-19/50 dated 28-06-2018.

Two hearings were conducted on this petition at the CGRF, Kozhikode. At first the appellant was not willing to submit an application in the section for the said work and informed this matter before the CGRF, Kozhikode at the hearing on 07-07-2018. Subsequently the appellant submitted an application for the subject work in Electrical Section, Mampad on 30-07-2018.

On receiving the application from the Appellant, an estimate of Rs. 17.362/- prepared, sanctioned vide AS/6814/18-19/05 dated 7-8-2018 of Assistant Engineer, Electrical Section, Mampad and demand note was issued to the Appellant.

The CGRF, Kozhikode disposed the petition directing the respondent to shift the electric post situated in the property of the appellant to the proposed location under deposit work scheme within the stipulated time. The Appellant has not remitted the estimate amount for the said work so far and also the appellant is not willing to shift the post within his property, so as to reduce the expenditure as per the decision of the CGRF, Kozhikode.

The estimate for the subject work was prepared considering the requirement of the appellant and technically feasible location. The electric pole, which is to be shifted from the property of the appellant, was erected some time in the long past and 2 nos. of weather proof service connections are existing in this pole. The electric connection to the premises of the Appellant was also from this post. But later the electric connection to the appellant's premises was dismantled due to non-payment of current charges.

As per the Regulation (95) of Kerala Electricity Supply Code 2014, Procedure for Shifting electric line or electrical plant of the licensee -

- (1) The owner of the land or his successor in interest, who has given right of way for the construction of an existing electric line or electrical plant over, under, along, across, in or upon the said land, may apply for shifting the electric line or electrical plant to any other portion of his land for genuine purposes.
- (2) The application for shifting the electric line or electrical plant shall be submitted in the local office of the licensee.
- (3) On receipt of the application the licensee shall inspect the site and assess the technical feasibility of the proposed shifting.
- (4) The application for shifting an electric line or electrical plant shall be granted only if the proposed shifting is technically feasible ; and the owner of the land or his successor in interest gives consent in writing to shift the electric line or plant to any other portion of his land or to any other land owned by him; or any alternate right of way along any public path way available for shifting the electric line and the electrical plant; and the applicant remits the labour charges required for shifting the electric line or electrical plant.
- (5) The licensee shall shift the electric line or electrical plant if the conditions specified in sub regulation (4) are complied with by the applicant. In this case the appellant has not remitted the sanctioned estimate amount required for the said work. The action of the respondents is well within the purview of the prevailing rules and regulations and is in order and prayed to dismiss the petition with cost.

Analysis and findings:

A hearing of the case was conducted in my chamber at Edappally on 06-12-2018. The appellant, Sri Dr. Shaheen or his representative was not present. Sri P. K. Sunil Kumar, Assistant Executive Engineer, Electrical Sub Division, Wandoor 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.

Having regard to the fact that the appellant had some grievance against the order of CGRF Kozhikode in OP No. 46/2018-19 dated 23-08-2018, I perused the documents and heard the arguments of the respondent. The appellant has not appeared for the hearing and not requested for another chance to present his case.

The request of the appellant is to shift the pole from his property without realizing cost from him. The respondent prepared an estimate for Rs.17,367/- including material and labour charge. As per respondent, the present proposal is technically feasible and other connections can also be given. The respondent is willing to carry out the work as per the proposal submitted, but the appellant is not willing to bear the expenses. As per the respondent, the insertion of additional pole cannot be avoided as deviation of the line from the existing pole to the terminal pole in the property of the appellant will create vertical non-clearance of line with the compound wall of the appellant. Regulation (95) of Kerala Electricity Supply Code, 2014 stipulates the procedure for shifting electric line or electrical plant of the licensee. The CGRF has taken a decision on the basis of the above said regulation and considering the technical feasibility of the shifting proposed by the respondent.

Decision:

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

In view of the factual position I don't find any reason to interfere with the findings and decision taken by the CGRF, Kozhikode in this case and hence the order of CGRF OP No. 46/2018-19 dated 23-08-2018 is upheld. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/081/2018/ _____ /Dated: _____

Delivered to:

1. Dr. Shaheen C., Cheemadan House, Areacode P.O., Malappuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Wandoor, Malappuram

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, Gandhi Road, Kozhikode