

THE STATE ELECTRICITY OMBUDSMAN  
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REVIEW PETITION No. 01/2019  
IN APPEAL PETITION NO. P/081/2018  
(Present: A.S. Dasappan)  
Dated: 15<sup>th</sup> February 2019

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

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

### **ORDER**

The review 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 review petitioner to the proposed location under deposit work within the stipulated time. (2) The respondent shall consider the request of the review petitioner to shift the pole within his property, subject to the feasibility, so as to reduce the expenditure”. Not satisfied with the decision of CGRF, the review petitioner has filed appeal against the order of CGRF, Kozhikode, before this Authority which was dismissed by upholding the decision of the CGRF, vide order No. P/081/2018 dated 17-12-2018 of this Authority. Still aggrieved by the decision, the review appellant has submitted this review petition with a plea to review the orders and to allow the reliefs sought for.

The review appellant has stated the following arguments in his review petition. The review appellant had contacted the KSEB, Mampad for shifting the post situated inconveniently in his property at Mampad. The KSEB authorities demanded to meet the expenses for shifting by the review appellant. As the review appellant could not bear such a huge amount (below Rs, 10,000/-) filed petition before the CGRF, Kozhikode and later before the Electricity Ombudsman. There is no electric connection in the name of the review appellant in Mampad. The trees in the courtyard are also unsafe to the post. As such it is requested to get the shifting of the post at KSEB's cost.

The review respondent has stated that on receiving the application from the Review petitioner, an estimate of Rs. 17,362/- was 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 Review petitioner. The Review petitioner has not remitted the estimate amount for the said work so far and also the review petitioner 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 Review petitioner and technically feasible location. The electric pole, which is to be shifted from the property of the review petitioner, 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 review petitioner was also from this post. But later the electric connection to the review petitioner'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:
  - (a) the proposed shifting is technically feasible; and
  - (b) 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
  - (c) 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.

A hearing of the case was conducted in my chamber at Edappally on 12-02-2019. The review appellant, Sri Dr. Shaheen was present for the hearing. Sri

Pradeep P.S., 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.

The request of the review appellant is to minimize the amount made under Deposit Work by avoiding the insertion of pole in the existing line. As per respondent the insertion of pole cannot be avoided as the line can only be shifted by drawing the line from the pole to be inserted, otherwise there will not be vertical clearance.

No glaring mistake or apparent errors on the face of record, on the order dated 17-12--2018 of this Authority, in Appeal Petition No. P/081/2018, were pointed out by the review appellant here. In the review petition nothing is pointed out which escaped the notice of this Authority while disposing the appeal petition. The review jurisdiction is limited to rectify a mistake or an error which is apparent on the face of records and it cannot be used as appellate jurisdiction. In view of the above discussions, I hold that review petition is not maintainable as this Authority didn't find any reason to intervene the order already issued. Hence the review petition is dismissed and disposed of accordingly.

## **ELECTRICITY OMBUDSMAN**

REVIEW PETITION No. 01/2019 IN APPEAL  
PETITION NO. 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