

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/054/2019
(Present: A.S. Dasappan)
Dated: July 29, 2019

Appellant : Sri. Japamony
Chemmannuvila
Puthuval Puthenveedu,
Panachamoodu P.O.,
Thiruvananthapuram

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Parassala,
Thiruvananthapuram

ORDER

The appellant is the petitioner in the OP No. 28/2019 filed before Consumer Grievance Redressal Forum (South), Kottarakkara and also a domestic consumer under Electrical Section, Vellarada, Thiruvananthapuram. The grievance of the appellant pertains to the electric line drawn by KSEB between the poles PP/19 and PP/19/1, as a low tension 2 wire line. Moreover the above line was converted to 3 wires in the year 2019, when the appellant was not in his house. The width of the path was widened from 3 feet to 9½ feet, but the above poles in his property were not shifted to the road, thereby the line is passing above the property. The request of the appellant is to shift the line and poles from his property to the road.

The respondent has submitted his version as follows. On 26.03.2019, the appellant submitted an application to the Assistant Engineer, Electrical Section, Vellarada for shifting the existing single phase three wire electric line between post No. PP 19 and PP 19/1 which is passing through the boundary of his property. The appellant also remitted an application fee of Rs 354/- vide Rt.No 102136 dated 26-03-2019. The existing single phase three wire line between post No. PP 19 and PP 19/1 were in existence since 30 years.

On 27.03.2019, a Sub Engineer of Electrical Section, Vellarada has inspected the site and based on the inspection an estimate was prepared for shifting the line through road by fitting two '4 line cross arms' on each pole as suggested by the appellant. While taking the estimate, mass objection

was raised by the public against the shifting of the said line through the road. On 27.03.2019, Sri. Reji, Puthuval Puthenveedu, Chemmannuvila, Panachamoodu PO., Thiruvananthapuram submitted before the Assistant Engineer, Electrical Section, Vellarada, a mass petition signed by himself and 33 others, objecting the shifting of the above said electric line through the road. During the site inspection conducted by the Assistant Executive Engineer, Electrical Sub Division, Parassala, the Assistant Engineer and the Sub Engineer, Electrical Section Vellarada, it came to know that, there exists a dissension between the petitioner and public regarding the shifting of the electric line. The public objected the shifting of the said line because they fear that, the shifting will adversely affect the free movement of vehicular traffic and public.

A petition was filed by the Assistant Executive Engineer, Electrical Sub Division, Parassala before the Hon'ble Additional District Magistrate under Section 16(1) of the Indian Telegraph Act 1885, read with Section 51 of the Electricity act 1910, vide letter No. DB/AEE/ESD/PSLA/ 343/2018-19 dt.28.03.2019 for settling the dispute. The above matter was informed to the appellant by the Assistant Executive Engineer, Electrical Sub Division, Parassala, vide letter No. DB/AEE/ESD/PSLA/344 /2018-19 dt. 28.03.2019.

The petition filed by Sri Japamony, before the CGRF (South) Kottarakkara, vide OP No. 28/2019 was disposed due the lack of jurisdiction since the case is pending before the Hon'ble Additional District Magistrate.

A hearing of the case was conducted on 22-07-2019 in the Court Hall of CGRF, Kottarakkara Sri. Japamony was present for the appellant's side and Sri. Reji F.N., Assistant Engineer in charge, Electrical Sub Division, Parassala and Sri. Jayakumar T, Assistant Engineer, Electrical Section, Vellarada 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 is facing inconvenience due to an overhead electric line passing over his property. Accordingly steps were taken to shift the disputed electric line from the existing route and an estimate has been prepared. The Assistant Executive Engineer, Electrical Sub Division, Parassala had approached the District Magistrate with a request that the objections raised by the public may be removed and order issued permitting the respondent to effect the shifting of the line along the route proposed as there is no feasible alternate route for avoiding the property crossing. The deposit work for shifting the line can only be carried out after the finalization of the petition filed before the Hon'ble Additional District Magistrate.

Since the matter is pending before the Additional District Magistrate, this Authority feels that it is not proper to intervene in the matter at this stage. In this background the respondent is directed to follow up the case and to take necessary steps for a speedy disposal of the case in accordance with the directions obtained from the Additional District Magistrate. Having concluded and decided as above it is ordered accordingly. Order of CGRF in OP No. 28/2019 is upheld. No order as to costs.

ELECTRICITY OMBUDSMAN

P/054/2019/ _____ /Dated: _____

Delivered to:

1. Sri.Japamony, Chemmannuvila Puthuval Puthenveedu, Panachamoodu P.O., Thiruvananthapuram
2. The Assistant Executive Engineer, KSE Board Ltd, Parassala, Thiruvananthapuram

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.