

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/046/2019  
(Present: A.S. Dasappan)  
Dated: 8<sup>th</sup> August 2019

Appellant : Smt. Nirmala C.M.,  
Kamala Mandiram, Kumbalam,  
Kumbalam North P.O.,  
Ernakulam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Tripunithura,  
Ernakulam

### **ORDER**

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

The appellant has filed an appeal petition in P/046/2019, being aggrieved by the decision taken by the CGRF in OP No. 108/2018-19 dated 18-05-2019. The appellant is a domestic consumer under Electrical Section, Panangad. The appellant's complaint pertains to the installation of an electric post with No. KSEB PR/16/2 in her property in survey No. 13/5 of Kumbalam village without obtaining her consent. The CGRF, Ernakulam has disposed the petition filed by the appellant with the following orders. "(1) The respondent is directed to shift the weather proof service wires and electric posts as per sketch, after collecting the labour charges and transportation charges within one week from the date of remittance. 2) the petitioner shall remit the amount within one month from the date of receipt of this order."

Still aggrieved by the order of the CGRF, the Appellant has filed the Appeal Petition before this Authority.

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

The appeal petition pertains to the unauthorized erection of electric pole in the property of the appellant. The post situated outside the landed property of the appellant was shifted by KSEB to her property in the last December without any

permission and provided electric connection to the nearby building. This was brought to the notice of Panangad Electricity Office, 5 kms away from the appellant's residence. KSEB has not taken any action to redress the grievance by shifting the post and hence the appellant filed petition in CGRF. The CGRF ordered to shift the post after collecting labour charge from the appellant. The request of the appellant is to shift the post from her property.

**Arguments of the respondent:**

The petitioner is in possession of a vacant land at Kumbalam Village under the jurisdiction of Electrical Section, Panangad. The petitioner stated that during the last December, KSEB Ltd had erected electric pole bearing No. PR 16/2 inside the plot without her permission. According to her, the pole was originally situated outside the plot and the shifting of the pole has resulted in dividing the plot into three parts as weather proof service wires belonging to two adjacent electricity consumers are now passing through her plot.

The respondent has conducted inspection of the site with the Assistant Engineer, Electrical Section, Panangad. It is observed that the electric pole bearing No. PR 16/2 is situated at the boundary of the vacant plot belonging to the petitioner. PR 16/2 is a terminal pole and weather proof service wires belonging to adjacent electricity connections bearing consumer numbers 870 and 1140 are seen passing through the vacant plot of the appellant. As per the data base of KSEB Ltd, these connections were effected during the year 1957. But on enquiry it is understood that these two connections were effected during the year 1994-95 with the consent from the owner of the plot and the electric pole bearing No. PR 16/2 was remaining in the present position at the time of effecting the electric connection.

Earlier on 01.12.2018, the appellant had given complaint to the Deputy Chief Engineer, Electrical Circle, Ernakulam for shifting the pole and service line passing through her plot.

The Assistant Engineer, Electrical Section, Panangad reported that the electric pole bearing No. PR 16/2 was remaining there in the present position for the past several years. As per the orders of the CGRF, the petitioner was directed to remit the amount of labour and transportation charges within one month from date of receipt of order. The amount to be remitted by the petitioner towards labour and transportation charges is Rs.16,030/-

**Analysis and findings:**

The hearing of the case was conducted on 11-07-2019, in the office of the State Electricity Ombudsman, Edappally, Kochi 24 and Sri Chandran, represented the appellant and Sri. P.K. Mini, Assistant Executive Engineer, Electrical Sub Division, Tripunithura was present and they have represented the sides of the Appellant and Respondent respectively. On examining the Petition, the statement of facts filed by

the respondent, considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision.

The issue referred in this appeal is with respect to shifting of existing electric pole situated in her property. The appellant's complaint is that the pole, stay and connected lines which were standing on the side of the road and canal shifted into her property in December 2018 without her consent. The CGRF has directed the appellant to remit labour charges and transportation charges for shifting the pole and line. The respondent submitted a sketch of the disputed location of the line and poles situated in the place for verification. It is found that the electric connections numbers 870 and 1140 were given about 30 years back and no correct details of consent etc are available in Section Office. The respondent's version is that these two connections were effected during the year 1994-95 with the consent from the owner of the plot. The appellant's grievance is that the pole was erected without her knowledge and consent. The respondent has proposed a feasible location for erecting the pole on the boundary of the appellant's property.

The provisions under Regulation 95 of Supply Code, 2014 has to be adhered in the case of shifting of electric line, plant etc. If the Distribution Licensee (KSEB Limited) requires the shifting of the existing overhead line, stay wire etc, in the interest of safety and reliability of electric supply or in public interest, the licensee can initiate action but has to confirm that the parties likely to affect are informed or get their consent. So the primary duty of licensee was to ensure that, it must be done causing least inconvenience to the neighbouring property owners or the others who are likely to be affected by the action and it must be done without giving room for any complaint.

This Authority has found that the proposal submitted by the respondent is technically feasible and practically possible and the CGRF has also taken a decision approving the proposal submitted by the respondent on this issue. Regulation 95(4) (b) reads "the owner of the land or his successor in interest gives consent in writing to shift the electric line or electrical 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."

The main point of the allegation raised by the appellant is that the weather proof wire erected across her property unauthorisedly without her knowledge and consent. The respondent has not furnished a satisfactory answer to this but stated that the pole was erected some 30 years back.

The shifting of the pole shall be done from the present location only after finding a technically feasible location. The respondent prepared a proposal for the shifting of the pole to a technically feasible location and prepared an estimate for Rs. 16,030, as directed by the CGRF and now it is revised as Rs.13,242/-. On inspecting the property by this Authority, it is convinced that the obstruction and the inconvenience can be avoided by implementation of this proposal.

As per regulation 95 (4) (c) of the Kerala Electricity Supply Code, 2014, the appellant has to remit the labour charges for shifting the pole. If the appellant is willing to accept the proposal of the respondent, the respondent shall shift the pole to the border of the appellant's property after ascertaining correct boundary of the appellant's property and remittance of the labour charge. The respondent is duty bound to verify the details of the property before effecting the service connection.

**Decision:**

From the analysis done above and the conclusions arrived at, this Authority upheld the decision taken by the CGRF in OP No.108/2018-19 dated 18-05-2019. The respondent shall collect the actual labour charge for the shifting and allied works. The respondent shall also look into the possibility of providing the weather proof connection to consumer number 870 with a support pole in the corner of the appellant's property. The respondent shall arrange the shifting of the pole and allied works within a period of 30 days after remitting the required estimate amount of labour charges by the appellant. The excess amount if any shall be refunded after the work.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/046/2019/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Smt. Nirmala C.M., Kamala Mandiram, Kumbalam, Kumbalam North P.O., Ernakulam.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Tripunithura, Ernakulam

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 Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.