

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/066/2019
(Present: A.S. Dasappan)
Dated: 23rd October 2019

Appellant : Sri Sivan M.K.
Maliyekkal House,
Kurumassery P.O.,
Chengamanad,
Ernakulam

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSEBL,
Chengamanad
Ernakulam

ORDER

Background of the case:

The appellant is the consumer under the Electrical Section, Chengamanad. The appellant has requested the respondent to shift the electric line and post located in appellant's property after accepting a portion of the deposit work amount from him. Since further action has not been taken by the respondent, the appellant filed petition before the CGRF, Ernakulam in OP No.18/2019-20 requesting to shift the line and post from his property. Being not satisfied by the decision of CGRF, the appellant has filed this Appeal petition before this Authority against orders dated 29-07-2019 issued by the CGRF.

Arguments of the appellant:

The request of the appellant before the CGRF was to shift the three-phase line passing through his property for the last 65 years to the panchayat road. Also, the appellant wants to reduce the estimate cost of Rs. 42,500/- prepared by KSEB for the shifting the line enabling him to construct a house for his son. The appellant has neither any other land nor financial capacity to

purchase another land. The appellant is ready to bear the expenses for the construction of 30 metre line but KSEB has to bear the conversion cost of single phase to three phase line for 110 metres along the road and thereby KSEB can retain the existing 5 Nos. connections. The CGRF has not accepted the appellant's contention and ordered to remit Rs. 42,500/- for the shifting of the lines.

Arguments of the respondent:

The appellant, Sri. Sivan M.K. Maliyekkal House, Kurumassery has submitted an application for shifting the LT 3 phase line passing through his property at Kurumassery under deposit work.

Presently a 3 phase 4 wire line (ABCDE in sketch) is passing through his property and this 3 phase line ends at the 2nd span after his property. The applicant requested to remove this line from his property (ABC in sketch) and to draw the line through Panchayath road under deposit work.

For this it is necessary to convert 110m existing single-phase line to three phase line (FGHIJ in sketch) and to construct 35m new three phase line (JKC in sketch) through the Panchayath road for connecting to the existing three phase line (CDE in sketch). The estimate amount including GST for the deposit work is calculated as Rs.42450/- (Forty-two thousand four hundred and fifty only).

The appellant requested to exempt him from remitting the deposit work amount through Panchayath road. The respondent has suggested a 2nd proposal to shift the existing LT three phase line to the boundary of the appellant's property, but he denied the 2nd proposal. The appellant approached CGRF for the redressal of the complaint. The CGRF disposed the petition vide order No. CGRF- CR/OP No. 18/2019-20/197 dt. 29-7-2019 after hearing the appellant and KSEB.

Analysis and findings:

The hearing of the case was conducted on 15-10-2019, in the office of the State Electricity Ombudsman, Edappally, Kochi 24 and Sri Sivan M.K., the appellant and Smt. Mini Francis, Assistant Executive Engineer, Electrical Sub Division, Chengamanad were 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 the shifting of one number of LT three phase line passing through the appellant's property to the panchayath road. The appellant was directed to remit charges amounting to Rs. 42450/- including GST for shifting the line from the existing location. The respondent submitted a sketch of the disputed location of the line and poles situated in the place for verification. It is found that it is necessary to convert 110m existing single-phase line to three phase line and to construct 35m new three phase line through the Panchayath road for connecting to the existing three phase line. The appellant's request is that by shifting the line enabling him to construct a house for his son.

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) and (c) reads "(b) 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." (c) "the applicant remits the labour charges required for shifting the electric line or electrical plant."

The estimate prepared is comprising of both shifting cum converting the line and also the construction of a fresh three phase line. The length of the Low Tension (LT) three phase line to be shifted from the property of the appellant and the length of three phase line to be constructed in the road is more or less equal. Considering this, the respondent shall shift the LT three phase line to the road after realising the labour charge only, even if the line to be shifted is usable or not.

Decision

From the findings and conclusions arrived at as detailed above, I decide as follows:

1. The respondent shall shift the LT three phase line passing through the property of the appellant to the road after realising the labour charge only.
2. The appellant shall bear the cost of the stay/strut to be used on either end of the line to be shifted along with labour charge.
3. The respondent shall convert the single-phase line along the road by adding two conductors bearing the cost of the materials and the appellant shall bear the labour charge of this conversion.
4. A revised estimate as above shall be prepared and communicated to the appellant within 15 days of receipt of this order by the respondent.
5. The respondent shall carry out the work on receipt of the revised estimate amount from the appellant within a period of 15 days.

Having concluded and decided as above, it is ordered accordingly and the Appeal Petition filed by the appellant, stands allowed to the extent ordered. The order of CGRF, Ernakulam in 18/2019-20 dated 29-07-2019 is set aside. No order on costs.

ELECTRICITY OMBUDSMAN

P/066/2019/ _____ /Dated: _____

Delivered to:

1. Sri Sivan M.K., Maliyekkal House, Kurumassery P.O., Chengamanad, Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBL, Chengamanad, 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.