

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 98/09

Appellant: Sri P.Aji Nair
Vaishnavam, THAMARAKKUDI (Po)
Kalayapuram 691560 Kollam Dt

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division Kottarakkara

ORDER

Sri P.Aji Nair , Vaishnavam, Thamarakkudi , Kalayapuram ,Kollam Dt submitted a representation on 15.9.2009 seeking the following relief:

Set aside the order dated 18.7.2009 on OP391/09 of CGRF Kottarakkara and direct KSEB to shift one electric pole erected in his property to out side.

Counter statement of the Respondent was obtained and hearing conducted on 15.12.2009 The Appellant has around 31 cents of property near Thamarakkudy junction with frontage of about 22 m length facing a narrow road winding up to the nearby localities. KSEB had erected one LT pole around 1M inside his boundary *around 30 years back* to extend LT lines along the road. Due to widening and concreting of the road the pole is around 2 ft inside the property on the compound wall now. The pole is in alignment with the LT line without any angle, stay or strut.

The Appellant is alleging that the lines were constructed without the consent of his father or mother and hence should be shifted out without collecting any cost from him. The CGRF disallowed his plea .The representation with the pleas noted above is submitted to the under signed in the above back ground.

The Appellant argues that since the pole was erected without consent it was the duty of KSEB to take it away on his request. The rights of the Distribution Licensee to erect lines were governed by the provisions of the Indian Telegraph Act 1885 and the various statutes made there after. Once the lines are erected , after settling objections if any , shifting of the same shall be done depending upon the technical feasibility and the manner of meeting the cost. This is the age old practice adopted by the Licensees. There is no valid reason for deviating from this time tested practice. What could be the fate of the distribution/transmission system , if the authorities commence shifting the existing lines at the whims and fancies of the property owners all over the state?

The Appellant could not narrate any grievances due to the existing pole in his property nor had he any potential threats of security or accidents. As such I do not find any reasons to direct the Licensee to shift the lines at their cost. But the Respondent shall take utmost care to ensure statutory clearances and safe standards in maintaining the lines in the area.

The information that the Appellant is an employee of KSEB – overseer in a nearby distribution section – is an intriguing revelation.

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*
2. *No order on costs.*

Dated this the 16th day of December 2009 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 98/09/440/ dated 16.12.2009

- Forwarded to: 1. Sri P.Aji Nair
Vaishnavam, THAMARAKKUDI (Po)
Kalayapuram 691560 Kollam Dt
2. The Assistant Executive Engineer
Electrical Sub Division Kottarakkara

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,
VaidyuthiBhavanam KOTTARAKKARA

