

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/037/2020

(Present: A.S. Dasappan)

Dated: 22nd January 2021

Appellant	:	Smt. Santhanavally Menon Edavalliyil, Parambikulangara, Methala P.O., Kodungallur, Thrissur Dist. – 680 669
Respondent	:	Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kodungallur, Thrissur

ORDER

Background of the case:

The appellant is a consumer of Electrical Section, Kodungallur No. 1 with consumer number 113611. A three phase 4 wire line was drawn by the respondent through the road under IPDS scheme and the grievance of the appellant is that a portion of the said line passes over the property of the appellant. The appellant made complaint at various levels and finally filed a petition before Consumer Grievance Redressal Forum, Central Region, Ernakulam. The Forum registered the petition vide OP No. 13/2020-21 and issued the following order on 07-10-2020. “The respondent is directed to make necessary modification in the estimate and inform the petitioner within 7 days of receipt of the order and upon remittance of the amount by the petitioner, rearrangement work may be carried out”. Aggrieved on this, the appellant filed this appeal petition before this Authority on 23-11-2020.

Arguments of the appellant:

An electric line was drawn by the respondent along the nearby road and a portion of which is passing over the property of the appellant. There was no notice issued for drawing the line such a way. The appellant brought it to the notice of the Assistant Engineer and the Engineer replied that the line was drawn for the Municipality and for which no consent is required. But the Assistant Engineer inspected the site and convinced the unusual drawal of line by the staff entrusted by him. The Sub Engineer of the same office has also some landed property beside

the road. Later the appellant made a complaint before the Assistant Executive Engineer, Executive Engineer and Deputy Chief Engineer. The Deputy Chief Engineer, Irinjalakuda inspected the site and directed the Assistant Engineer to make some modifications in the line, but the Engineer has not done it so far.

The order of the CGRF for the modification of the line is acceptable to the appellant, but the expenditure for the modification to be met by KSEB Ltd.

The appellant further requests to remove the unused line passing through another portion of the property of the appellant.

Arguments of the respondent:

The respondent submitted the following for early disposal of the complaint filed by the appellant, Smt. Santhanavally Menon bearing Consumer No. 113611 of Electrical Section, Kodungallur No.1.

Upon submission of necessary documents, the respondent argued that the new line constructed in no way causing any inconvenience to the appellant.

Several of the statements made by the appellant are not supported by any facts or figures and just out of appellant's imagination/understanding of the subject. For several of the matters in the petition, KSEB Ltd. is not a party.

The work was not done on war footing basis. It was a plan work; coming under "Construction of LT 3Ph 4 Wire Line" in IPDS. As construction of this line comes entirely in municipal road, and as there was no need of cutting any trees from appellant's property, work was carried out as per KSEBL's plan.

Statements of the appellant are false and made to defame sincere staff & officers of KSEB Ltd. The line alignment, fixing number of posts required for construction of such line etc. were estimated by competent staff and was cross checked & sanctioned by competent officers. Line was constructed adhering to safety standards and this was cross checked by Electrical Inspectorate. (while investigating based on appellant's petition to them) and given KSEB Ltd. clean chit.

The respondent checked the premises as per the assurance given to the appellant's representative and could not find any mistake in the work.

Line alignment & estimation is done by competent staff and cross checked and approved by competent officers. A portion of line where line is taking 90-degree turn could have been constructed reducing 2 Nos. of struts if the appellant had allowed installation of one stay in the appellant's property.

There was no error observed in proposal/estimation including alignment of line under reference and hence correcting error is not applicable. Number of posts used – 11 Nos.

If appellant needs the unused line from her property to be removed, the appellant can approach the Section Office with application and after checking viability and after remitting estimated amount, line can be removed.

On the basis of above details, the respondent requested to dismiss the appeal filed by the appellant.

The appellant had approached the office of Executive Engineer, Electrical Inspectorate, KSEBL Vigilance Cell, O/o The Honourable Minister for Electricity, Human Rights Commission and Consumer Grievance Redressal Forum already with this complaint and this office has already submitted replies based on which above complaints were replied/dismissed by respective offices ratifying KSEBL's actions.

Analysis and findings:

The hearing of the case was conducted at 11 AM on 30-12-2020 in the office of the State Electricity Ombudsman, Edappally, Kochi. Sri. V.E. Bhaskaran Pillai represented the appellant and Sri. K.G. Potty, Assistant Executive Engineer, Electrical Sub Division, Kodungallur represented for the respondent. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The appellant's version is that staff of Electrical Section, Kodungallur No.1 had drawn an electric line along the nearby road and a portion of the line passes over the appellant's property. The line was drawn without any notice or consent from the appellant. The requirement of the appellant is to deviate the line portion from their property, implementing the order of Consumer Grievance Redressal Forum (CGRF), Central Region. But the appellant is not willing to remit the expense for the deviation as ordered by CGRF. Another requirement is to remove the unused electric line from another portion of the property of the appellant.

The respondent's version is that the construction of the Low Tension three phase 4 wire line along the road side was under the scheme of IPDS. The route length of the line is 80 metres. The work was done in the same route as per the estimate. No poles or stays were erected in the appellant's property. The line was drawn by observing all safety rules. No conductor is passing over the property of the appellant. But the expenses required for the deviation of the line to be met by the appellant as ordered by CGRF.

The site was inspected by this Authority on 11-01-2021 with the presence of both the appellant and the respondent. The respondent had constructed the electric line through the extreme boundary of the road by erecting PSC poles. The appellant had constructed a compound wall in the boundary of their property. Though there are locations in the line route to provide stays to the poles, the

respondent used support poles to the line poles to avoid erection of stays in the appellant's property. As the road is not straight, the respondent used more poles than the usual requirement with a span of 5 metres to 18 metres.

In the hearing the respondent stated that one electric pole in the line route can be removed enabling to deviate a portion of line further to the road if the appellant remits the labour charge as ordered by CGRF. Another requirement of the appellant is to dismantle a span of LT electric line from their property at the expenses of KSEB Ltd.

The respondent prepared an estimate for Rs.5,681/- for the dismantling of one electric pole from the newly constructed line and for the dismantling of unused line and pole from another portion of the property of the appellant.

This Authority observed that the proposal suggested by the respondent to dismantle the electric pole from the newly constructed line route is acceptable. As such the point to be decided whether the appellant is liable to remit the expenses for the dismantling of electric pole from the newly constructed LT line route and removing of unused line from another portion of the property of the appellant. As per respondent, there is no further scope to use the unused line in future.

In this connection, Regulation 96 of Kerala Electricity Supply Code 2014 is referred hereunder:

"96. Dismantling and removal of electric line or electrical plant which are not in use.-

- (1) The licensee shall dismantle and remove electric line or electrical plant constructed over, under, along, across, in or upon any land if the said electric line or electrical plant is not in use continuously for a period of one year or more.*
- (2) Such electric line or electrical plant shall be dismantled and removed by the officer in charge of the local office of the licensee within a period of three months from the date of completion of one year as mentioned in sub-regulation (1).*
- (3) If the licensee has constructed alternate overhead electric line or underground cable or electrical plant to replace any existing electric line or electrical plant, such existing electric line or electrical plant which has consequently become redundant shall be removed by the officer in charge of the local office of the licensee within a period of three months from the date of commissioning of such alternate overhead electric line or underground cable or electrical plant.*
- (4) The licensee shall delegate necessary powers to the officers in charge of the local office to execute as per this regulation, the work relating to dismantling and removal of electric line or electrical plant which are not in use, with a view to avoiding consequent electrical accidents which may arise out of such unattended and unmaintained electric line or electrical plant."*

Decision: -

From the analysis done above and the conclusions arrived at, I take the following decision: -

The alternate proposal, which is also technically feasible as per the report of the respondent, the electric pole erected in the nearby constructed LT three phase line shall be removed and the labour charge for the work shall be remitted by the appellant. The respondent shall prepare an estimate for dismantling one number LT PSC pole and intimate the appellant within seven days from the date of receipt of this order and dismantle the pole within seven days from the date of remittance of the labour charge by the appellant.

The unused LT line drawn through the property of the appellant along with the electric pole shall be dismantled as there is no scope to use in future as per the respondent and the expenses for the dismantling shall be met by the Licensee. The dismantling of the unused line and pole shall be carried out along with the former work or within 30 days from the date of receipt of the order, whichever is earlier.

Having concluded and decided as above, it is ordered accordingly. The order of CGRF, Central Region is modified and the appeal petition filed by the appellant is allowed to this extent and stands disposed of as such. No order on costs.

ELECTRICITY OMBUDSMAN

P/037/2020/_____ dated _____.

Delivered to:

1. Smt. Santhanavally Menon, Edavalliyil, Parambikulangara, Methala P.O., Kodungallur, Thrissur Dist. – 680 669
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kodungallur, Thrissur

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, CGRF-CR, 220 kV Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.