

**THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. P/063/2025  
(Present A. Chandrakumaran Nair)  
Dated: 01-12-2025**

Appellant : Sri.Sundaresan.K  
Vikash Bhavan,  
Near Ottakkal Railway Station,  
Ottakkal P.O, Kollam dt - 691308.

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Limited,  
Punalur,Kollam(Dist.)

**ORDER**

**Background of the case**

The appellant Shri.Sundaresan is a senior citizen and a domestic consumer under Electrical Section, Thenmala with consumer no. 1145944001190. The complaint of the appellant is that the Licensee (KSEBL) had installed a stay of the post inside the property in the front yard of the house without his consent. The appellant has requested the Licensee to remove the stay from his property to build a car park in that location. The Licensee demanded the appellant to deposit an amount of Rs. 49017/- to remove the stay wire by installing an A type pole in concrete muffing. The appellant's demand is that as the stay wire has been placed by the Licensee without his consent and hence the same is to be replaced or removed at the cost of the Licensee. The Licensee is not agreed to this and then he filed the petition to CGRF which numbered as OP/17/2025-26. The CGRF issued order on completing the procedures on 22/09/2025 stating that the cost for removing the stay is to be born by the appellant. Aggrieved with the decision of the CGRF, this appeal petition is filed to this Authority.

## **Arguments of the Appellant**

I am a senior citizen and a Consumer under Electrical Section, Thenmala vide no. 1145944001190. I am aggrieved by the action of KSEB by installing stay wires in the courtyard of my premises, without seeking my consent, while my entire family members were staying abroad.

I am totally dissatisfied with the Order received from the Consumer Grievance Redressal Form, KSEB, Southern Region, Vidyuthi Bhavanam, Kottarakkara, with regards to my petition No. 17/2025-2026. They just endorsed the action of the Executive Engineer of KSEB Office @ Punalur without going through the contents of my submission and without considering my grievances, so the very purpose of submitting a petition before them is defeated.

Since I am not satisfied with the above order from CGRF, I am preferred to appeal before your goodself (The State Electricity Ombudsman) for a favour action by intervening into the matter and directing the KSEB Officials to remove the stay wire from my courtyard at the risk and cost of KSEB without any further delay.

## **Arguments of the Respondent**

The complainant in the case of OP. No. 17/2025-26, Sri. Sundaresan K., Vikas Bhavan, Ottakkal P. O. submitted a written grievance to the Assistant Engineer, Electrical Section, Thenmala on 30.12.2024. Pursuant to the complaint, the Assistant Engineer of Electrical Section Thenmala conducted a site inspection on 04.01.2025. According to the report of Assistant Engineer, stay wire of HT/LT PSC post (T/OU/108) is installed adjacent to the compound wall of the property. Since the post is an angled cut post and the removal of the stay wire without support could lead to the post falling on the road and may result in dangerous situations since the post is located at Urukunnu - Ottakkal Railway station road. Hence the Assistant Engineer recommended to install an additional supporting pole (A Pole) with muffing work to replace the stay wire. The cost for carrying out the above work including the application fee is estimated @Rs. 49017/- (Rupees Forty Nine Thousand and Seventeen only). The Assistant Engineer, Electrical Section, Thenmala has prepared an estimate of Rs. 49017/- for the installation of A pole and muffing work as per the provision of Kerala Electricity Supply code and communicated to the complainant from Thenmala Electrical Section office. But the petitioner is not willing to remit the estimated cost and sent grievance through mail to the Chief Managing Director, KSEB Limited and Hon'ble Minister for Electricity on 07.01.2025.

The Executive Engineer, Electrical Division, Punalur and The Assistant Executive Engineer, Electrical Sub Division, Punalur conducted site inspection based on the complaint received through CMO Portal. Both inspections confirmed that, the feasible solution for relocating the stay is the one mentioned in Assistant Engineer's report and the same has been intimated to the Petitioner on 29/03/2025. All these facts were submitted to the Hon'ble CGRF in response to the OP No. 17/2025-26. Second sitting conducted on 19/08/2025 before the Chair person, CGRF, Kottarakkara and released the order on 22/09/2025. The Decision of the forum on OP No. 17/2025-26 as follows.

1. The respondent is directed to execute the proposed work of removing the stay wire after collecting the required work deposit.
2. No order as to cost.

The decision made after hearing legitimate arguments and acted in good faith. The complainant not remitted work deposit amount to the licensee till date. For these and other reasons to be urged at the time of hearing, it is respectfully prayed that this Hon'ble Ombudsman may be pleased to dismiss the appeal petition.

The licensee has duly investigated the matter and proposed a technically feasible solution. The relocation of the stay wire is contingent upon the execution of the estimated work at the cost indicated and the consumer has been informed of the technical and financial aspects of the solution.

## **Analysis and findings**

The hearing of this appeal petition was conducted on 16/10/2025 at 11:30 a.m. in the KSEBL IB, Paruthippara, Thiruvananthapuram. The hearing was attended by the appellant Sri.Sundaresan.K and the respondent Smt. Asha Rani.S.L, Assistant Executive Engineer, Electrical Sub Division, Punalur, Kollam(Dist.)

The appellant is the native of the Ottakkal, in Kollam District and a domestic consumer of the Licensee under the Electrical Section, Thenmala. The Licensee had installed a stay wire in his court yard to support a post which is placed by the side of the road outside his compound. The appellant and his entire family members were living abroad. The appellant had returned back and settled in this premises. The main contention is that he could not construct park in this location because of the obstruction due to stay wire. The Licensee has mentioned that this stay would have installed around 15 years back. The appellant had never made any complaint about the placement of stay wire. The first complaint made by the appellant is only on 12/2024. The Licensee argued that this stay wire would have palced with

the consent of the appellant who was the owner of the land. The Licensee could not produce the copy of the consent.

The Section 164 of the Electricity Act 2003, explained about to exercise powers of Telegraph Authority in certain cases.

**Section.164.** *The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.*

Then the Section 10 (d) of Indian Telegraph act 1885 states about the power of this authority to place and maintain telegraph lines and posts.

**10. Power for telegraph authority to place and maintain telegraph lines and posts —**

*The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon, any immovable property:*

*Provided that—*

**(a)** *the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Central Government, or to be so established or maintained;*

**(b)** *the Central Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post; and*

**(c)** *except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and*

**(d)** *in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.*

Here in this case, the stay wire had been placed long back and the appellant has not raised any objection about this stay wire. The Licensee has not obtained the consent and not complied with the provisions with Section 10(d) of the Indian Telegraph Act 1885.

The procedure for shifting an installation is explained in regulation 95 of the Kerala Electricity Supply Code 2014.

***Regulation 95. Procedure for shifting electric line or electrical plant of the licensee.-***

***(1) The owner of the land or his successor in interest who has given right of way for the construction of an existing electric line or electrical plant over, under, along, across, in or upon the said land, may apply for shifting the electric line or electrical plant to any other portion of his land for genuine purposes.***

***(2) The application for shifting the electric line or electrical plant shall be submitted in the local office of the licensee***

***(3) On receipt of the application the licensee shall inspect the site and assess the technical feasibility of the proposed shifting.***

***(4) The application for shifting an electric line or electrical plant shall be granted only if:-***

***(a) the proposed shifting is technically feasible; and***

***(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; and***

***(c) [the applicant shall remit the labour charges and material charges required for shifting the electric line or electric plant as estimated by the licensee as per the cost data approved by the Commission from time to time in accordance with the Regulation 33 of the Kerala Electricity Supply Code, 2014].***

***(5) The licensee shall shift the electric line or electrical plant if the conditions specified in sub regulation (4) are complied with by the applicant.***

Here the sub regulation (1),(2),(3) of 95 have completed. The appellant has to been remitted the cost of material and labour required for the shifting. The Licensee has given a demand letter to deposit Rs.49017/- for the shifting of the stay wire. This post is an angled cut post and hence the stay in an essential requirement for the stability of the Line. The technical solution to replace the stay wire is to install an A type post with concrete muffing to have stability without stay. This is seen to be the right solution to remove stay wire without affecting the stability of the electric line.

It is pertinent to examine, who is at fault. The Licensee or the appellant? The Licensee is at fault by installing a stay wire in the front yard of a house without getting the consent and also they have not complied with the provision of Section 10(d) of the Indian Telegraph Act 1885. The stay wire had installed long back, but the appellant has not raised any objections till 12/2024. Though the appellant along with family was staying abroad, they would have visited this premises several times and would have noticed the presence of stay wire. As such both Licensee and appellant are equally responsible.

## **Decision**

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The appellant has to bear 50% of the cost estimated amount and the Licensee has to issue revised demand.
2. The appellant has to remit the amount as per the revised demand notice.
3. The Licensee has to execute the shifting of stay wire by installing an A type post in concrete muffing.
4. The above decision are to be implemented within two months and the compliance report is to be forwarded by the respondent.
5. No other costs allowed.

**ELECTRICITY OMBUDSMAN**

No. P/063/2025/ dated: 01-12-2025 .

Delivered to:

1. Sri.Sundareshan.K, Vikas Bhavan, Near Ottakkal Railway Station, Ottakkal P.O, Kollam dt- 691508
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Punalur, Kollam dt.

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, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.