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Appeal Petition No. P/048/2026
(Present A. Chandrakumaran Nair)
Dated: 02-11-2026

Appellant	:	Smt. Renuka Haridas P2/6A Silver Lawns, Santhi Nagar, Edappally Ernakulam (dt) - 682024.
Respondent	:	The Assistant Executive Engineer Elecrtrical Sub- Division, KSE Board Ltd, Harippad, Alappuzha (dt)

ORDER

Background of the case

The Appellant is the resident of Edappally, Ernakulam and owns an ancestral property at Muttom, Harippad, Alappuzha District. The Appellant is the consumer of the Licensee, KSEBL, through their Electrical Section Pallipad. There was a single phase line existing there since 1980 and one post was erected in the road in front of her property and its stay wire inside the property existing. The house in this property was connected the electric service from this existing post. The Appellant is maintaining this house and used to reside in this home occasionally. As per the increased power demand, the power distribution system have been augmented by the Licensee by converting the single phase line to a three phase line. Then an additional post was inserted to provide safety clearance as per statutory requirement. An additional stay was also erected inside her property without any consent or permission of the owner. Now there are two stay wire existing in the property at around 20 to 25 m apart. This is an obstruction for her to construct commercial building in this plot. The Appellant had approached the Licensee for removal of stay and no actions was taken. Then she had filed the petition to CGRF vide No.OP/43/26-27. The CGRF had issued order on completing the procedure dated 04/08/2026. This petition is filed as the Appeal Petition to CGRF Order.

Arguments of the Appellant

My Ancestral House in Muttom, Haripad which we are visiting occasionally and staying for 2-3 weeks once in 2-3 months is on the Northern side of Pawathu Mukku Ramavilasam Road in Cheppad Panchayat. A 3-phase alignment is passing through this road which was single phase earlier. When it was a single-phase Electric alignment was fully on the Southern side of the Road.

Though the road is straight while converting into 3 Phase, KSEB created a bend to the alignment by erecting 2 posts on the Northern side and all other posts retained on the Southern side. Then in order to support the alignment which lost balance due to deviation, erected 2 stay rods with stay wires in my property which are about 5 m inside from the boundary without my consent. On noticing this illegal stay rod erection during our next visit, my Husband went to the Section Office and complained to the then Assistant Engineer who assured to remove the stay wires after erecting supporting posts. But he did not keep up his assurance. As we were staying in Ernakulam, we did not follow it up rigorously.

Now I am planning to construct a Commercial Building with 5 shop rooms in my property on the road side to give on rent. To get a construction permit from Panchayat, removal of these stay rods and stay wires are essential for which I was behind the Assistant Engineer for the last one year with a request to get the stay rods removed. After many oral/email reminders finally, the Assistant Engineer vide his letter dated 06-04-2026 informed that land owner of the opposite side has not given consent for shifting the stay/line. So, shifting of stay in my property is not possible.

As I am not able to utilise my property the way I wanted, especially to proceed with my building construction plan due to it, I approached CGRF, with OP No. 43/2026-27.

The Honourable CGRF passed its final order vide CGRF-CR/ OP No. 43/2026-27 dated 04-08-2026. The CGRF rejected the complaint on flawed grounds. The Appellant is deeply aggrieved by the CGRF order due to the following reasons:

The CGRF even during oral hearing was justifying the Respondents. In the orders they gave more emphasis on Trespassing and Compensation as if request is mainly against trespassing and for compensation to usage of property, for which they said it is beyond the Jurisdiction of the Forum and advised to seek remedies from Civil Court. My prime requirement was for removal of the stay rods from the property, to facilitate planned Building Construction. Other reliefs, though asked for, I am not serious at all and can be ignored.

Statement of the Assistant Engineer "opposite side has not given consent for providing space for shifting the stay/line "clearly indicates the necessity of Consent which they had not taken while installing Stay in my property. If the line is shifted to the Southern side, no stay would be required because the Road is Straight. As per the CGRF orders, the Respondent stated that "If the petitioner desires relocation of the line, she may apply under the Deposit Work Scheme" which clearly shows that it was possible to construct the line without putting any Stay rods in my property.

The order directs "If the petitioner desires shifting of the existing electrical line or stay wires for facilitating the proposed construction, she may submit an application before the respondent". When an application is already pending, it is highly injustice to give a direction to submit another application for Deposit work and take Financial burden to correct the illegal activity of the Respondent by erecting Stay roads in a private property without consent.

In the light of the facts stated above, the Appellant humbly prays that the Honourable Ombudsman may be pleased to direct the 1st Respondent to Shift the Stay Rods from my property at the earliest without demanding any payment. Pass any such other orders or relief as this Honourable Authority deems fit in the interest of justice.

Arguments of the Respondent

It is respectfully submitted that upon receipt of the subsequent email complaints from the Appellant, the Respondent 1 conducted a detailed site inspection of the premises and the electric line route along the Pawathu Mukku-Ramavilasom Road. The exact date and time of the scheduled site inspection were duly intimated to the Appellant well in advance to ensure her presence. However, the Appellant chose not to attend or participate in the inspection process. During the course of the physical site inspection, a rigorous assessment of the alignment, span length, and pole placements was carried out. Absolutely no evidence or factual basis could be found to substantiate the Appellant's malicious allegation that the poles were intentionally erected on the northern side to extend undue favors to the opposite house owner or any other individual under unauthorized influence. The line alignment strictly follows standard utility engineering practices required for the geography of the road. The inspection further conclusively established that all the stays erected for the structural integrity of the line, including the stay wires located within the complainant's property, were installed solely because they are technically essential to maintain mechanical stability, counter line tension, and prevent the hazard of pole tilting. As per the official consumer service records of the Appellant, the original single-phase line along this route was drawn back in the 1980s to service the area. It has safely and continuously existed there for decades. It is observed that one of the poles of the existing single-phase line, which was erected during the 1980s, is situated adjacent to the Appellant's compound

wall, and a stay supporting the said pole has been installed within the Appellant's property. The electricity service connection bearing Consumer No. 1157255004712 to the Appellant's residence has been provided from this very pole. In view of these facts, the Appellant's allegation that two poles and stays were recently installed on the northern side of the road, adjacent to the complainant's compound wall, in violation of PTCC standards and under the influence of the occupants of Ammini Bhavan, located on the opposite side of the road, is found to be factually incorrect and devoid of merit. Therefore, the line alignment was never exclusively on the southern side, and the stay wire inside the property is an integral part of the legacy infrastructure that has safely energized the Appellant's own premises for over four decades without any prior objection.

Following persistent complaints from the general public regarding low voltage issues in the locality, the entire overhead line on this road was converted and upgraded to a three-phase system under a KSEBL system improvement project more than 8 years ago. The site inspection confirmed that the total span length of the line at this location is 54 meters. Maintaining statutory ground clearance along the Pawathu Mukku-Ramavilasom Road across such a long span was technically feasible. Hence, during the 3-phase conversion, an additional pole was systematically erected within the public road boundaries to strictly satisfy the safety clearance mandates under the Schedule IX of CEA (Measures relating to Safety and Electric Supply) Regulations, 2023. At the time of the 3-phase conversion work more than 8 years ago, the Appellant never raised any oral or written objection regarding the installation of the stay wire or pole setup. The infrastructure was accepted without demur for years. The Appellant approached the Assistant Engineer, Pallippad to raise an objection only after a formal statutory notice was issued to her on 27.12.2025 under Section 68(5) of the Electricity Act, 2003 and Section 30(2) of the Disaster Management Act, 2005. This notice legally directed the Appellant to cut and remove dangerously leaning mango and teak trees/branches within her property that directly threaten live overhead lines and public safety. Based on the said notice and on the complaint submitted by Sri. Sunil Kumar D., Ammini Bhavan, residing opposite the Appellant's house, the Hon'ble District Collector, Alappuzha, in exercise of the powers conferred under the provisions of the Kerala Panchayat Raj Act, 1994, the Kerala Public Health Act, particularly Section 23 thereof, and, if necessary, the Disaster Management Act, directed the Secretary, Cheppad Grama Panchayat, to take urgent action for the removal of the trees which posed a threat to public safety as well as to the electricity line. In compliance with the said directions, the Appellant cut and removed the said trees. Thereafter, the Appellant has been repeatedly submitting complaints seeking the removal of the stay wires that had been installed in the complainant's property several years ago. In connection with this matter, a detailed reply to the Appellant's initial complaint submitted via email on 31.12.2025 was furnished by the Assistant Engineer Electrical Section Pallippad on 07.01.2026.

The Hon'ble CGRF, Ernakulam, after hearing both parties on 22.07.2026, dismissed OP No. 43/2026-27 on 04.08.2026, observing that the stay wires are technically necessary, allegations of trespass/compensation fall outside its jurisdiction, and line shifting must follow prescribed statutory deposit work procedures under the Kerala Electricity Supply Code, 2014. The Hon'ble CGRF correctly held that under Section 42(5) of the Electricity Act, 2003, the Forum lacks jurisdiction to adjudicate disputed questions of fact, title, possession, alleged trespass, or grant compensation for civil wrongs. The Appellant's waiver of compensation claims in the appeal does not alter the underlying statutory authority under which the infrastructure was erected.

Under Section 164 of the Electricity Act, 2003, read with Part III (Sections 10 to 18) of the Indian Telegraph Act, 1885, the licensee possesses statutory authority to place electric lines, posts, and stays for electricity supply. The Government of Kerala, via Notification S.R.O. No. 534/2020 dated 24.08.2020 (G.O. (P) No. 5/2020/Power), explicitly conferred all Telegraph Authority powers upon KSEBL Engineers of and above the rank of Assistant Engineer. Prior consent is not a statutory prerequisite for installing utility infrastructure for public supply.

The Appellant's assertion that "a valid shifting application is already pending before the Respondent 1 and that directing a fresh application under the Deposit Work Scheme is unjust" is legally untenable and contrary to established regulatory procedures. The mere submission of email representations or grievance complaints demanding the gratuitous removal/shifting of utility infrastructure does not constitute a valid statutory application under the law. Under Regulation 95 of the Kerala Electricity Supply Code, 2014, any relocation or shifting of electric lines, poles, or stay wires requested by a consumer/property owner to facilitate private construction or property development must strictly follow the prescribed statutory process. Regulation 95 explicitly mandates that the applicant must submit a formal application in the prescribed format, accompanied by the required application fee, processing fee, as approved by the Hon'ble KSERC (Kerala State Electricity Regulatory Commission) in the Schedule of Miscellaneous Charges. Furthermore, as per Regulation 95(5) and the Deposit Work Scheme framework, the entire expenditure incurred for relocating the infrastructure including labor, material, and administrative overheads shall be borne entirely by the applicant. Since the Appellant has neither submitted the statutory application under Regulation 95 nor remitted the mandated fees and estimate charges approved by KSERC, no valid shifting application exists or is pending in the eyes of the law. The Appellant cannot bypass statutory regulations or seek shifting at the expense of KSEBL for her private commercial gain. As communicated to the consumer via Letter No. DB/PLPD/GNL/26-27/01 dated 06-04-2026 of Assistant Engineer Electrical Section Pallippad, the existing stay wire is an essential structural component ensuring the mechanical balance of the line.

At present, it is observed that the consent of the owners of the properties situated opposite the Appellant's property is required for shifting the existing

electric lines. However, as the said property owners are strongly objecting to the proposed line shifting, the Appellant may submit an application under the Deposit Work Scheme. Upon receipt of such an application, an estimate will be prepared, and the Respondant1 will file a petition before the Hon'ble Additional District Magistrate, Alappuzha, as per Section 164 of Electricity Act 2003, seeking removal of the objections to facilitate the shifting of the electric line.

The stay wires provide critical counter-tension and structural stability to the 3-phase 54-meter overhead span along Pawathu Mukku-Ramavilasom Road. Unilateral removal of stay wires would compromise structural integrity, create risks of pole tilting, and violate safety standards prescribed under Schedule IX of the CEA (Measures relating to Safety and Electric Supply) Regulations, 2023.

In light of the technical necessity, four-decade existence of the line, statutory authorizations under Section 164 of the Electricity Act, 2003, and the sound legal findings of the CGRF Order, it is most respectfully prayed that this Hon'ble Electricity Ombudsman may be pleased to dismiss Appeal Petition No. P/048/2026 filed by Smt. Renuka Haridas as devoid of merits. Uphold CGRF Order No. CGRF-CR/OP No. 43/2026-27 dated 04/08/2026. Direct the Appellant to submit a formal application under the Deposit Work Scheme pursuant to the Kerala Electricity Supply Code, 2014, should she desire the relocation of the existing stay wires to facilitate her building construction.

Counter Argument of the Appellant

The statement that "the Single-phase alignment was never exclusively on the southern side, and the stay wire inside the property is an integral part of the legacy infrastructure that has safely energized the Appellant's own premises for over four decades without any prior objection" is not true. The single-phase alignment was on the Southern side of the road and Telecom alignment was on the Northern side which was dismantled after laying Underground Cable. It facilitated them to erect posts on the northern side while upgrading to Three phase.

It can be seen that road is very straight and there was no need for a deviation to the alignment. In the Diagram shows Stay from 2 Posts on Southern side also, which is not correct. The property where one stay marked belongs to me and no stay is available there. As the alignment is straight up to that point no stay is required also.

The other statement that "the Appellant never raised any oral or written objection regarding the installation of the stay wire or pole setup" is not true. As we were staying in Ernakulam, we could not object at the time of the stay erection which was done by entering into our locked property. On noticing this illegal stay erection during our next visit, my Husband went to the Section Office and discussed with the then Assistant Engineer who requested not to move against Trespassing and assured to remove the stay

wires after erecting supporting posts within one month. But he did not keep up his words. I was also not behind it because we were staying at Ernakulam and that property was used only for some cultivation purpose and the stay roads were not affecting very much adversely.

Last year we decided to construct a Commercial Building with 5 shop rooms in my property on the road side to give on rent. To get a construction permit from Panchayat, removal of these stay wires is essential. So, during September 2025 I gave a request to Asst. Engineer, Pallippad to get the stay wires removed followed by reminders over the phone.

Another Statement that "The Appellant approached the Assistant Engineer, Pallippad to raise an objection only after a formal statutory notice was issued to her on 27.12.2025 under Section 68(5) of the Electricity Act, 2003 and Section 30(2) of the Disaster Management Act, 2005" is also not true. Actually, it is the other way. They issued such a Notice to make me silent on stay removal complaint. Any how during January 2026, the trees were fully removed as directed by them in the notice.

Statement that no application is submitted for stay removal is not True. Request was submitted in September 2025, but they wanted to give another application under the Deposit Work Scheme. Asking me to take financial burden to correct the illegal activity of the Respondent by erecting Stay roads in a private property without consent is no way justified.

In the light of the facts stated above, I humbly pray that the Honourable Ombudsman may order removal of Stay Rods from my property at the earliest without demanding any payment.

Analysis and findings

The hearing of this appeal petition was conducted on 16/10/2026 at 11:00 A.M. in the O/o State Electricity Ombudsman, D.H Road, Ernakulam (DT). The hearing was attended by Shri. M. Haridasan, the representative of the appellant Smt. Renuka Haridas and the respondent Sri. Biju .S, Assistant Executive Engineer, Electrical Sub Division, Harippad, Alappuzha (Dt).

This appeal petition is filed by the appellant against the order issued by CGRF regarding the removal of stay wire from her ancestral property at Muttom, Harippad. The Appellant is the owner of a house and property on the northern side of the Pawathu Mukku - Ramavilasom Road in Cheppad Panchayat. The home is maintained well and the family used to reside there occasionally. There was a single phase line existing since 1980, and post is situated near to the compound wall outside the property but the stay of this post was erected inside this property. The Service Connection of the house was extended from this existing post. To meet the increased demand of power for this area the Licensee had converted the existing single phase line to a three phase line. An additional post was erected outside the property in between the existing posts and the stay wire of this additional post was also

erected in this property without the consent of the owner. The two stay wire existing in the property at around 20 to 25 m apart is creating an obstruction for the commercial development of this property. This three phase line was drawn and the post was erected around 8 years back and the Appellant had not made any objection. An over grown tree which was a safety threat to the line was cut and removed by the appellant based on the notice issued by the District Administration.

The main objection is that the stay had been erected inside the property without the permission. The Section 164 of the Electricity Act - 2003, describes about the power of licensee to exercise the power of Telegraph authority in certain cases as per the Indian Telegraphic Act-1885.

164. Exercise of powers of Telegraph Authority in certain cases.–

> *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 (13 of 1885), any of the powers which the 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.*

By the Government notification through Gazette dated 24/08/2020, the Government of Kerala empower the engineers of KSEBL above the rank of Assistant Engineer to exercise the power of Telegraph authority as per the Indian Telegraph Act 1885.

GAZETTE NOTIFICATION

In exercise of powers conferred by section 164 of the Electricity Act, 2003 (Central Act 36 of 2003), the Government of Kerala hereby confer upon the Engineers of the Kerala State Electricity Board Limited of and above the rank of Assistant Engineers to exercise, for the purpose of placing of electric lines or electrical plant for the transmission and supply of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, within their respective jurisdictions, all the powers which the telegraph authority possesses under Part III of the Indian Telegraph Act, 1885 (Central Act 13 of 1885) 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.

The Telegraph Act -1885, Section 10 states about the power of Telegraph 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] [Substituted by A.O.1937, for "Government".], or to be so established or maintained;*

(b) *the [Central Government] [Substituted by A.O.1937, for "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.*

This clearly explains that the authority shall do as little damage as possible and shall pay the compensation for the damages of the property. The stay wire placed in the property hinter the commercial development of this property as such the appellant request for the shifting of atleast one stay wire. The appellant had agreed to bear the cost of removing the stay wire.

The Site Inspection has been conducted on 28/10/2026, in the presence of Assistant Engineer, Electrical Section, Pallipad. The option of shifting this line and post to the opposite side was examined. Then the line may pass dangerously close to the car porch of the house at the opposite side of the road and the trees and plants also create obstruction for the line. Another possibility is to re-erect the post in concrete muffing strongly, then the stay wire could be removed. This could be done for the post which is erected when the line has been converted into three phase line. The three phase line is passing only above the road as the responded has provided side arm in the post. The Cost for re-erecting the post in the concrete muffing is to be borne by the appellant which has been agreed to .

The regulation 95 of the Supply code- 2014 specify about the procedure of shifting electric line or electrical plant.

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 [through the web portal of the licensee.]*

[Provided that, the time frame for shifting the electric line or electrical plant shall be as per the timeline specified in Regulation 85 of this Code.]

(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 subregulation (4) are complied with by the applicant.*

This states that the cost of material and labour for the shifting as per the request of the owner of the property is to be borne by the owner.

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 Licensee may re-erect the post under dispute strongly in concrete muffing and then remove the stay wire from the property of the appellant.
2. The Licensee has to prepare the estimate for the re-erection of the post as per the cost data approved by the Hon'ble KSERC.
3. The Appellant has to remit the cost of dismantling and re-erection of the post as per estimate prepared by the respondent/Licensee.
4. No other costs Approved.

ELECTRICITY OMBUDSMAN

No. P/048/2026/ dated: 02/11/2026.

Delivered to:

1. Smt. Renuka Haridas, P2/6A Silver Lawns, Santhi Nagar, Edappally, Ernakulam (dt)
2. The Assistant Executive Engineer, Elecrtrical Sub-Division, KSE Board Ltd, Harippad, Alappuzha(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, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503.