

**THE STATE ELECTRICITY OMBUDSMAN**

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APPEAL PETITION No. P/009/2021

(Present: A.S. Dasappan)

Dated: 12<sup>th</sup> July 2021

Appellant : Sri. Anilkumar G.,  
Gosalikkal House,  
Pilassery. P.O.,  
Kunnamangalam  
Kozhikode Dist. 673 571

Respondent : Assistant Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Kunnamangalam, Kozhikode

**ORDER****Background of the case:**

The appellant is a consumer of Electrical Section, Kunnamangalam with consumer number 116607607648. The appellant's son, Sri. Abhijith had requested to the Assistant Engineer of the Section Office for shifting the Low Tension three phase line from the appellant's property to the nearby road and to re-route the weatherproof wire used for providing service connection to his brother Sri. Ajithkumar's house conveniently under deposit work. The respondent prepared an estimate for the above work for Rs.41,176/- and a portion of the amount deposited in the section office and the remaining portion paid to the contractor, who arranged the works as directed by the respondent. But, as per appellant, the work was not properly carried out and erection of electric pole is inconvenient to the appellant. The appellant filed petition to the Executive Engineer, Electrical Division, Balussery and later to the Consumer Grievance Redressal Forum (CGRF), Northern Region vide OP No. 87/2020-21 for the convenient rearrangement of the line. But the Forum in its order dated 13-01-2021 rejected the request of the appellant. Aggrieved by the decision of the Forum, the appellant filed the appeal petition before this Authority on 04-02-2021.

**Arguments of the appellant:**

An application dated 16-09-2020 was filed by the son of the appellant viz. Sri. Abijith G before the Assistant Engineer, Electrical Section, Kunnamangalm for shifting LT three-phase OH line from the property of the appellant to public road for avoiding property crossing. Based on his request for shifting the LT line passing through the property of the appellant under work deposit scheme, the respondent unauthorizedly installed one post additionally in his property. The additional post was the one shifted from neighbouring property of one Sri. Bhupesh, Panthalangal. Also, while stringing the line, so many yielding trees were cut and removed from his property, which caused him a financial loss to the extent of Rs.50,000/- which he wants refund along with the cost of work remitted by him amounting to Rs.39,643/-. The appellant remitted the amount on assurance of the respondents that the electric post in his property will be shifted to the public road and there will not be any crossing of property. But the KSEBL authorities deviated the line route in such a way that the post already existing in the neighbouring property of Sri. Bhoopesh is unauthorizedly shifted to the appellant's property. The above deviation necessitated shifting of so many yielding trees from the property of the appellant. In the place of one post within the property of the appellant, now there are two posts. Instead of shifting the only one post to the public road, it was shifted to the property of the appellant itself. The action taken from the part of KSEBL is to safeguard the interest of the neighbouring property owner, who is an employee of KSEBL. Even though there was technically feasible way outside the property of the appellant, the KSEBL acted to safeguard the interest of the neighbouring property owner as mentioned above. There was no necessity to shift the electrical post laid within the property of Sri. Bhoopesh to the property of the appellant. Hence the appellant requested shifting of the two electric posts erected in the property of the appellant and awarding compensation to the tune of Rs.89,643/- from the respondent.

**Arguments of the respondent:**

Sri. Abhijit. G., Gosalikkal House, Pilassery P.O., Kunnamangalam had requested on 16-09-2020 to shift the three-phase line passing through the

property of the appellant to the nearby road and to shift the service connection wire provided for the neighbour to a nearby route by erecting an electric pole. The Sub Engineer of the office inspected the site in presence of the appellant and the applicant and prepared a technically feasible and convenient proposal with estimate. As per the estimate, two electric poles to be shifted to the nearby road side and close to the property of the appellant and to re-route the service connection wire to the home of Sri. Ajithkumar, brother of appellant, by drawing 50 metres single phone line through the path way of Sri. Ajithkumar. Also consent letter from the appellant, Sri. Ajithkumar, Smt. Prasannakumary and Sri. Bhupesh were obtained.

An estimate was prepared for the shifting of the line and re-routing the service wire as above for Rs.41,176/- and advised the appellant to remit the amount. The appellant and the applicant had taken the responsibility of the shifting work by paying the labour charge directly to the contractor and by remitting the remaining portion of the estimate amount to the Section Office. Accordingly, the appellant remitted Rs.21032/- in the Section Office. The work was arranged by the respondent on 22-10-2020 and completed the work on the same day. The appellant paid the labour charge to the contractor as agreed earlier.

On 31-10-2020, the appellant filed a petition to the Executive Engineer, Electrical Division, Balussery and on 24-11-2020 before the Consumer Grievance Redressal Forum (CGRF), Northern Region. Afterwards, the respondent inspected the site and found that 70 metres three phase line was shifted from the property of the appellant to the nearby road as per the sketch and estimate prepared earlier. The Forum inspected the site and convinced the shifting work and dismissed the petition.

**Analysis and findings:**

An online hearing was conducted at 12 Noon on 03-04-2021 with prior intimation to both the appellant and the respondent. Advocate Sri. Bibin. B attended for the appellant and Sri. Azeez K.P., Assistant Executive Engineer,

Electrical Subdivision, Kunnamangalam attended for the respondent's side. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached 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 grievance of the appellant is that the respondent had unauthorizedly installed electric poles additionally in the appellant's property while carrying out the shifting work of the lines and poles after remitting the estimate amount prepared and communicated to the appellant. Many yielding trees were cut and removed by the respondent, which caused a financial loss to the extent of Rs.50,000/- and hence, requested compensation and refund of the deposited amount. The respondent carried out the work not in accordance with the proposal and the work created inconvenience to the appellant. The work was arranged safeguarding the interest of the neighbour, who is an employee of KSEB Ltd.

The argument of the respondent is that the deposit work was arranged as per the sketch and proposal made by them after site inspection. The proposal was technically feasible and convenient to the appellant and others. Consent from the nearby property owners were obtained for the shifting of lines & poles. The work was arranged on 22-10-2020 and the complaint from the appellant received on 31-10-2020. The Consumer Grievance Redressal Forum had inspected the site and found that the line was drawn technically feasible way.

On perusing the documents, it is revealed that Sri. Anilkumar. G., Sri. Ajithkumar, Smt. Prasannakumari and Sri. Bhupesh. B.T. issued consent for the shifting & re-routing of the LT line and service connection wire. This is only a usual consent for the work proposed to be carried out by the Licensee, not consent specifying the location where the electric pole to be shifted and route through which the line to be redrawn. Though the appellant had met the entire expenses for the shifting and re-routing of the line, the work so completed caused another grievance to the appellant. Another dispute arises and which has to be set right.

The provisions under Regulation 95 of Kerala Electricity Supply Code 2014 have to be adhered in the case of shifting of electric line, plant etc. The primary duty of the Licensee was to ensure that, it must be done causing least

inconvenience to the neighbouring property owners or the others, no one likely to be affected by the action and it must be done without giving room for any complaint. But here, the appellant himself is not satisfied with the shifting work done with the remittance of deposit work amount by the appellant.

If there is any objection to the proposed construction or shifting of the electric line or poles, the KSEB Ltd. has to approach the District Magistrate with a petition and get orders and act accordingly. This is the procedure laid in the Section 164 of the Electricity Act 2003, read with Section 10 of the Indian Telegraph Act 1885.

Regulation 47 (3) of the Kerala Electricity Supply Code 2014 also states on “if the owner of the property to be crossed by the proposed line, objects to the carrying out of the work, action shall be taken by the licensee to clear the objection as per the rules issued by the Government of Kerala, as provided in Section 67 and Section 164 of the Act or any other law for the time being in force”.

In this case, any further deviation or realignment of the shifted line will create a possibility of dispute or objection from the appellant or any person who given consent earlier.

The Consumer Grievance Redressal Forum observed that the line was drawn in technically feasible way and the Licensee had acted as per rules prevailing. But it is to be noted that even the shifting of line is shortest, economical or through a technically feasible route, if any genuine objection from the part of nearby property owners, it is proper to file the case before the District Magistrate. Hence, this Authority declines to enter the merit of the request of the appellant for compensation also.

**Decision: -**

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

The appellant may approach the District Magistrate for the redressal of their grievance as further objections may be raised by the owners of the property through which shifting of the electric line is done and from the nearby property owners.

The order of Consumer Grievance Redressal Forum in OP No.87/2020-21 dated 13-01-2021 is set aside. Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/009/2021/\_\_\_\_\_ dated \_\_\_\_\_.

Delivered to:

1. Sri. Anilkumar G., Gosalikkal House, Pilassery. P.O., Kunnamangalam, Kozhikode Dist. 673 571
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kunnamangalam, Kozhikode

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, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode