

**THE STATE ELECTRICITY OMBUDSMAN**

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**APPEAL PETITION No. P/006/2022****(Present: A.S. Dasappan)****Dated: 31<sup>st</sup> March, 2022**

Appellant : Sri. Biju Varghese,  
Vilangattil House,  
Chalikkavattomm,  
Vennala. P.O.,  
Ernakulam Dist.

Respondent : Assistant Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Tripunithura, Ernakulam Dist.

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

The appeal pertains to the request of the appellant for the shifting of the distribution transformer erected in front of his property. For the shifting of the transformer to a nearby convenient location, the Licensee demanded Rs.7.0 lakhs towards the deposit work amount. The appellant was not willing to remit the amount and approached “Adalath Swanthanasparsam” and before the Additional District Magistrate, Ernakulam. The Additional District Magistrate ordered to maintain the status quo of the transformer structure. In continuation, the appellant filed a petition in Consumer Grievance Redressal Forum (CGRF), Central Region, Ernakulam and the Forum in its order dated 30-12-2021 in OP No. 44/2021-22 dismissed the petition.

Aggrieved by the decision of the Forum, the appellant filed the appeal petition before this Authority.

**Arguments of the appellant:**

The appeal petition pertains to the erection of a distribution transformer in the road side and in front of the property of the appellant at Pulse Nagar Junction, Eroor. The inconvenience of the appellant by the erection of the transformer had been informed to the Deputy Chief Engineer on 15-03-2017, but the transformer was erected without any consent of the appellant. The appellant made a complaint in the "Swanthanasparsam" Adalath on 09-02-2021 and the Licensee issued a demand notice on 12-02-2021 advising to remit Rs.7.0 lakhs for the shifting of the transformer. In the Adalath conducted on 15-02-2021, it was decided to shift the transformer to a nearby location without realizing any deposit work amount from the appellant. The subject matter was submitted before the Additional District Magistrate, Ernakulam and decision was taken by the ADM to maintain the status quo and issued order on 15-03-2021 accordingly. As such, the appellant approached the Consumer Grievance Redressal Forum (CGRF), Ernakulam. Since the grievance of the appellant was not redressed by the Forum, the appellant wants to shift the transformer as decided in the "Adalath Swanthanasparsam".

**Arguments of the respondent:**

A transformer was installed and charged during early 2017 for giving power supply to the people at Pulse Nagar junction under Electrical Section, Eroor. An application was filed by Sri. Biju Varghese & Baiju Varghese before the District Collector, Ernakulam on 24.08.2020 and 04.09.2020. On receipt of complaint through the ADM, Ernakulam for shifting the transformer, site inspection, was done. A suitable site was identified in the presence of the appellant. For shifting the transformer to that location 90m UG cable is to be laid. The total cost involved for shifting the transformer to that location is Rs.6,94,522/- including cost of the plinth. A hearing was conducted by the ADM on 26.02.2021. The appellant is not willing to pay the amount. After hearing both parties, the ADM, Ernakulam rejected the petition and ordered to maintain status quo. Also, the Secretary, Tripunithura Municipality has requested the estimate for transformer shifting vide File No. PW1-7783/20/06.10.2020. But

either the appellant or Municipality was not willing to remit the estimate amount for transformer shifting. Later, on 09.02.2021, the appellant filed a complaint at Santhwanasparsham 2021 Adalath. The decision of the Adalath was sent to the Director, KSEBL for sanction. Direction given to the appellant that the transformer can be shifted on payment of the estimated amount.

**Analysis and findings:**

The hearing of the case was conducted on 25-02-2022 in the office of the State Electricity Ombudsman, Edappally, Kochi. Sri. Biju Varghese and Sri. Baiju Varghese attended for the appellant and Smt. M.B. Pankajavally, Assistant Executive Engineer, Electrical Subdivision, Tripunithura from the respondent's side attended the hearing. 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 appeal petition pertains to the erection of a 100 kVA distribution transformer in a Double Pole structure in front of the property of the appellant. The subject matter was placed before the District Magistrate, Ernakulam and the District Magistrate ordered to maintain the status quo. The appellant was advised to remit the amount for Rs.7.0 lakhs under deposit work for the shifting of the transformer, but the appellant is not willing to remit the amount. As per appellant the deposit work amount demanding by the respondent is exorbitant. As per respondent, there is no chance to draw the overhead line and hence, the estimate for laying underground cable was prepared for the shifting of the transformer.

The argument of the appellant is that a complaint had been given to the Deputy Chief Engineer of KSEB Ltd. on 15-03-2017, regarding the erection of the transformer. Though the Adalath Committee had decided on 15-02-2021 that the Licensee should shift the transformer to the nearby location without realizing any deposit work amount from the appellant, the respondent did not

obey the direction of the Adalath. The appellant wants to shift the transformer at free of expenses.

According to the respondent, 90 metres underground cable is required for the shifting of the transformer. KSEB Ltd. has not given permission to the respondent to shift the transformer at the Licensee's expense. The Additional District Magistrate, Ernakulam has ordered to maintain the status quo of the transformer.

At this juncture, it is to be noted that Clause 22 (d) of the Kerala State Electricity Regulatory Commission (CGRF and Electricity Ombudsman) Regulations 2005 provides that,

“No representation to the Ombudsman shall lie:

- (a) in cases where a representation for the same grievance by the Complainant is pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority.”

The appellant has submitted the appeal petition before this Authority on 24-01-2022. The respondent informed in its statement of facts to this Authority that the petition filed by the appellant before the Additional District Magistrate was rejected with a direction to maintain the status quo and submitted the order of Additional District Magistrate dated 15-03-2021. In the order, it is also mentioned that the petitioners are at liberty to approach the Additional District Magistrate on a changed context. Since the complaint contained in the Appeal Petition was heard and decided by the Additional District Magistrate, Ernakulam, this Authority cannot entertain the petition on the ground that the case is not maintainable, as per the clause 22 (d) of the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations 2005.

**Decision: -**

From the findings and conclusions arrived at as detailed above, I decide as follows:

The Appeal Petition filed by the appellant is rejected and stands disposed of as such. The order of CGRF, Central Region, Ernakulam dated 30-12-2021 in OP No. 44/2021-22 is upheld.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/006/2022/ \_\_\_\_\_ dated \_\_\_\_\_.

**Delivered to:**

1. Sri. Biju Varghese, Vilangattil House, Chalikkavattomm, Vennala. P.O., Ernakulam Dist.
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Tripunithura, Ernakulam Dist.

**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.