

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.38/2829,
Mamangalam-Anchumana Road,
Edappally, Kochi-682 024
www.keralaeo.org Ph: 0484 2346488, Mob: 91 9539913269
Email: ombudsman.electricity@gmail.com

APPEAL PETITION No. P/015/2022**(Present: Bhuvanendraprasad T.R)****Dated: 31st May, 2022**

Appellant : Smt. Vasanthakumari Amma.P,
Maniyathu Veedu,
Meenathucherry,
Kavanad P.O.,
Kollam Dist. 691003

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Sakthikulangara, Kollam District.

ORDER**Background of the case:**

The appellant is a LT ↓ (A) Domestic consumer of Electrical Section, Sakthikulangara with consumer number 19899. The appellant had applied for a service connection for construction purpose on 28/08/2020. The appellant had paid the required cost for the work with regard to obtaining service connection with a support post. The distribution licensee had effected the connection by using PVC weatherproof wire with support pole from the nearby LT post through a narrow pathway used by the three consumers including the appellant by avoiding property crossing, since the petitioner failed to produce the consent from the owner of nearby property.

The appellant filed a request to refund the amount paid by him as Estimated Cost of Service Connection (ECSC) using support post, since casuarina wood log was used for giving the new service connection instead of a WP support post was not used for giving the service connection. After the completion of the

construction works, the appellant filed a petition before the Consumer Grievance Redressal Forum (CGRF), Southern Region, Kottarakkara vide OP No. 63/2021 for getting the refund of the amount paid as a the ECSC for providing WP support post and the Forum in its order dated 03.02.2022 rejected the petition. Aggrieved by the decision of the Forum, the appellant filed the appeal petition before this Authority.

Arguments of the appellant:

The petitioner had applied for a new service connection for the purpose of constructing a new residential building and the concerned officials of the licensee had inspected the premises. It was proposed that the new service connection could be effected by drawing weatherproof service line by using the support service line. The Assistant Engineer of the Section Office, Saktikulangara had rejected the proposal and insisted on installing a support post at an estimated cost of Rs.10663/-. The appellant has alleged that even though the charges required as per the estimate was remitted on 11.09.2020, the service connection was delayed till 21.10.2020. The Assistant Engineer had also persuaded the owner of the adjacent property to lodge a complaint against effecting the service connection.

It was also stated that when the connection was effected, the newly erected support post was not used and a temporary casuarina wooden pole was used for supporting the wire. The appellant being aggrieved by the action of the licensee has stated that the support post as insisted by the Assistant Engineer was not necessary for providing the service connection. He also mentioned that the Assistant Engineer had persuaded the owner of the adjacent property Sri. Krishnankutty Nair to lodge a complaint against effecting the service connection.

The appellant has filed the appeal petition before this Authority for refund the amount paid as Estimated Cost of Service Connection (ECSC) using support post which was not a necessary for effecting the new service connection.

Arguments of the respondent:

The appellant had applied a service connection for construction purpose on 28/08/2020. At that time connection had affected by using PVC weatherproof wire with support pole from the nearby LT post through a narrow pathway used by three consumers (including the applicant) by avoiding property crossing, since the petitioner failed to produce the consent from the owner of nearby property.

The concerned revenue overseer prepared the estimate and sketch and the Assistant Engineer of Electrical Section Sakthikulangara approved and a demand note was given to the appellant. The appellant paid the amount on 11/09/2020. The work was executed by the contractor by erecting a support post on 27/09/2020. But due to the objection from the neighbour Sri. Krishnankutty Nair, the service connection could not be affected, even though the erection of the support pole had been completed. The officials tried to convince Sri. Krishnankutty Nair that the installed post will never cause any difficulties to him but he filed an objection before the Assistant Executive Engineer, Electrical Sub Division, Sakthikulanga on 07/10/ 2021.

Since the work was challenged by Sri. Krishnankutty Nair, the service connection to the applicant was affected on 22/10/2021 by erecting a casuarina wood log near the WP PSC support post already installed for giving the supply to the appellant. At that time the appellant was informed that after consulting with Sri. Krishnankutty Nair the supply will be unshackled and provided through the PSC support post by convincing Sri. Krishnankutty Nair.

But later, the appellant filed a request to refund the amount paid by him as ECSC for providing service connection using support post, since casuarina wood log was used for giving the new service connection instead of a WP support post was not used for giving the service connection. The Executive Engineer inspected the site and instruction was given to provide the service connection through the WP support post installed for the purpose and to remove the temporary connection provided through the wood log for the implementation of better safety standards. Executive Engineer's direction was in the light of the particular site

condition such as thickly vegetated and narrow pathway hence, the support post is a must for avoiding the breaking of the WP wire. Hence, the connection was given through the already executed support post by avoiding the property crossing issues and for better safety of concerns.

After the completion of the construction works of the consumer, applied for change of tariff and the tariff was changed to LT 1 A Tariff by shifting the meter to the newly provided meter board.

Afterwards, the appellant filed a petition before the CGRF (South) for getting the refund of the amount paid as ECSC for providing WP support post. The Forum heard the matter in detail and the Forum inspected the premises to ascertain the necessity of the support post. Then it was observed that without the mentioned supporting post, the WP wire would pass through the nearby property. The forum disposed the case accordingly by disagreeing to sanction the refund of the amount remitted by the appellant.

Therefore, the respondent requested to dismiss the petition.

Analysis and findings:

The hearing of the case was conducted on 26-05-2022 in the office of the State Electricity Ombudsman, Edappally, Kochi. Sri. Mohanan Pillai represented the appellant in the hearing and Sri. Dileep Chandran, Nodal Officer (Litigation), Circle Office, Kollam from the respondent's side. Both the representatives of the parties presented their arguments on the petition.

Accordingly, after examining the appeal petition in detail, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents, considering all the facts and circumstances of the case and the site inspection conducted, this Authority comes to the following findings and conclusions leading to the decision thereof.

There was not absolute necessity for erecting a new support post for effecting the new service connection as there have already been consumers having supply in the same byroad. It is also seen that consumers residing behind the appellant's resistance are given supply without providing any support post or any

alterations. Thus, a side cross arm should have been used for effecting supply for the new service connection without creating any difficulties to the existing consumers instead of the new support post. Accordingly, it is ordered that the newly erected support post shall be dismantled and removed at the licensee's cost.

Decision: -

- a) The Order issued by the Consumer Grievance Redressal Forum, Kottarakkara dated 03.02.2022 in OP No.63/2021 is hereby quashed.
- b) The new support post erected for effecting the service connection shall be dismantled & removed at the licensee's cost and KSEB Ltd shall effect supply from the existing post by making use of a suitable side cross arm for maintaining safety and avoiding property crossing.
- c) The consumer shall bare the cost of the cross arm as necessitated by KSEB Ltd for effecting the supply.
- d) The amount collected by KSEB Ltd for the erecting the new support post shall be adjusted towards the cost of the required cross arm and the balance shall be refunded to the consumer.

Having concluded and decided as above, it is ordered accordingly.

ELECTRICITY OMBUDSMAN

P/015/2022/ CC/7 dated 1.06.22

Delivered to:

1. Smt. Vasanthakumarai Amma. P., Maniyathu Veedu, Meenathucherry, Kavanad P.O., Kollam Dist. 691003
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Sakthikulangara, Kollam Dist.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSEB Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSEB Ltd, Kottarakkara - 691 506.