

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/058/2022

(Present: A. Chandrakumaran Nair)

Dated: 31st October, 2022

Appellant : Sri. Jins Paul,
Puthethuparambil,
Memuri P.O.,
Kottayam Dist. 686611

Respondent : Asst. Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Uppala, Kasaragod Dist.

ORDER

Brief history of the case:

The appellant is the consumer of the Licensee with consumer number 23660 under Electrical Section, Manjeswaram. The appellant is the owner of the agricultural farm in Manjeswaram in Kasaragod Dist. The power connection is an agricultural connection at Soopiguri. There was an electric line passing through this property and this line was dangerously sagging. On 13th March 2020, there was a fire in the farm and the crops and other items in the farm were burned and damaged. The farm in the land of around 50 cents were totally damaged. The fire would have been developed due to the short circuit in the electric line. The appellant has already complained to the Section Office about the sagging of the line before the occurrence of fire. No action has been taken by the Asst. Engineer of the Licensee. The appellant has sent a claim for Rs.1.0 lakh towards the compensation for the damage and not yet settled. Appellant filed petition to CGRF (SR) and CGRF issued order stating that no records have produced to show the exact damage and loss suffered and hence, not admitted.

Aggrieved by the decision of the Forum, the appellant approached this Authority by filing the appeal petition.

Arguments of the appellant:

The appellant is having a plantation in Manjeswaram in Kasaragod Dist. On 13-03-2020, there was fire occurred in his plantation and cultivation in 50 cents, other accessories were totally burned and destroyed. A KSEB electric line was passing through the middle of the property and the fire was because of the short circuit in the electric line. There was a news in the media as the fire occurred because of the inactiveness of the KSEB.

Around 3 months before the fire incident, i.e. on 03-12-2019, the appellant has been sent the complaint to the KSEB stating the danger of the KSEB line. No action has been taken by KSEBL. The photos after the accident also shows that the line is dangerously sagging.

The appellant has suffered a loss of around Rs.1,00,000/- because of the damage of cultivation and the connected equipments. He has already applied to KSEB. No action has been taken and send reminders to know about the action taken on appellant's complaint.

KSEBL has not taken action for one year and hence, approached Consumer Grievance Redressal Forum (NR) by filing petition No. OP 74/2021-22 and requested for a compensation of Rs.1,00,000/- from KSEBL and also the line is to be shifted to convenient location.

The CGRF (NR) has not realized the actual fact and no compensation is allowed even though they realized that fire happened and suffered the loss.

The following facts were not considered by the Forum in their order.

- (1) Though the dangerous situation of the electric line has been brought to the notice of the KSEBL, but no action has been taken. It is the responsibility of the KSEBL is to ensure the safety of life and property of the people. They have purposely ignored the responsibility.
- (2) Repeatedly the complaints were sent to KSEBL after the accident. If the accident is not happened because of the short circuit, why they have not responded.
- (3) The respondent is legally bound to give reply to complaints of the appellant. If the reply is not given within the reasonable time, it is to be treated that the respondent is deemed to be accepting the claim as per the

different court orders. The respondent neither replied to the appellant's grievances nor responded. As this was not denied, it is to be treated that KSEBL is accepting appellant's claim and accordingly eligible for the compensation.

Relief sought:

- (1) The loss suffered by the appellant for Rs. 1,00,000/- due to inactiveness of the KSEBL is to be permitted and request order for the release of this amount.
- (2) The line is passing through the middle of this farm land, which was drawn around 30 years back. The posts used are of low height and this is passing around 60 M through this land. The threat is still existing and KSEBL has not taken any action to ensure the safety. It is requested to issue order to shift the line by KSEBL at KSEBL's own cost through a convenient location.

Arguments of the respondent:

Consumer No.23660 is an agricultural connection in favour of Sri. Jins Paul, Puthethuparambil, Memuri (po), Kottayam Dist. and the site is at Soopiguri area under Electrical Section, Manjeshwaram. The power supply to this area is fed from 160 KVA. Soopiguri transformer of 11 kV Thalapady feeder under 110 kV Manjeshwaram substation. This agricultural connection was effected on 27.01.2021 and the water source is a borewell.

On inspection, it is seen that an LT three phase overhead line passing through this property and the consumer number 23660 is also effected from this line. This LT three phase overhead line is in good condition and provided enough LT line spacers in it. It is understood that this LT line was constructed years before for giving service to domestic connections of this area and is drawn as per obtaining statutory consent from the property owners. If the appellant willing to remit the shifting charges, this existing line may be shifted to the side of this property. At present the coconut trees in this garden is seen in good condition and no evidence of fire seen in this property.

In the petition, the appellant stated that the fire and damages to his water irrigation system occurred on 13.03.2020, but the electric connection to the agricultural connection of this property is effected only on 27.01.2021.

CGRF (Northern Region) passed an order in connection with OP No. 74/2021-22 filed by appellant in favour of KSEBL on 20.07.2022

Response of the appellant on Statement of Fact of the respondent:

- 1) Why KSEB has not taken action to complaint about the dangerous situation of the line.
- 2) What action is taken on appellant's compliance submitted on the day of fire.
- 3) The appellant has claimed compensation to KSEBL including the complaint cell. If the accident is happened not because of their inaction, why they have not replied. If the fire is happened not because of electric short circuit, they would have rejected appellant's claim and would have been replied.
- 4) Even still the line is in a dangerous situation. KSEBL has not taken action to shift the line through the pathway by the side of this property. KSEBL has to execute at their cost.

Analysis and findings:

The hearing of the case was conducted on 12-10-2022 in the Court Hall of Consumer Grievance Redressal Forum, Northern Region, Kozhikode. The appellant Sri. Jins Paul/representative was not attended the hearing as per the notice issued to him. Sri. P.P. Nandakumar, Assistant Executive Engineer, Electrical Subdivision, KSEB Ltd., Uppala was attended the hearing from 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 appellant is the owner of the agriculture land in Soopiguri under Electrical Section, Manjeswaram. The power supply to this area is fed from a 160 kVA transformer, which is connected to the 11 kV Thalapady feeder originating from 110 kV Manjeswaram Substation. The appellant has availed the agricultural connection only on 27-01-2021. This three phase LT line passing through his

property. The appellant claimed that he has sent complaint to the Section Office, KSEBL stating that the line was very dangerously low laying and to take action to raise the line. No documentary evidence is produced for the same.

The fire occurred on 13-03-2020 and claiming that 0.5 acres of land was burned and damaged. Copies of news reports about the fire incident were produced as exhibit. No documentary evidences showing the extent of damages with proper assessment was not produced. No proof of evidence showing that the fire occurred due to short circuit was produced. If the fire occurred due to short circuit, there would have certain damages to the power line. The respondent states during the hearing that no such reports and there are no reports of the repair in the line as part of the incident.

If the service line is to be repositioned, the Section 95 of the Kerala Electricity Supply Code 2014 "Procedure for shifting electric line or electrical plant of the licensee" is to be applicable as follow:

95 (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.

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

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

95 (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.

If the appellant wants this line is to be shifted through the pathway in the boundary of his property, then the shifting of the line is to be done as per the above Section.

Decision: -

From the analysis done and the conclusions arrived at as detailed above, following decisions are hereby taken:

- (1) The Licensee has to ensure that the line is having the proper safety clearance in between the phases and ground. Necessary action is to be taken to ensure the same.
- (2) The appellant is failed to prove that the occurrence of fire is due to the short circuit and hence, claim is not allowed.
- (3) Shifting of line if required, the cost is to be borne by the appellant.

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

ELECTRICITY OMBUDSMAN

P/058/2022/ _____ dated _____.

Delivered to:

1. Sri. Jins Paul, Puthethuparambil, Memuri P.O., Kottayam Dist. 686611
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Uppala, Kasaragod 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, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode