

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/061/2022**(Present: A. Chandrakumaran Nair)****Dated: 11th November, 2022**

Appellant : Sri. T.P. Velayudhan,
'Aaramam', Padikunnu Road,
Nilambur. P.O.,
Malappurzam Dist. 679329

Respondent : Assistant Executive Engineer,
Electrical Sub Division, KSEB Ltd.,
Nilambur, Malappuram Dist.

ORDER**Background of the case:**

The appellant is the consumer of the Licensee under the Electrical Section, Nilambur in Malappuram Dist. The appellant is the owner of the land measuring 2.25 Acres. KSEBL has drawn an electric line and post without the consent of the appellant. Now the land utility is affected and the appellant cannot build a house in the plot. He has complained to the Section Office and they informed to bear the cost of the shifting. The appellant is a senior citizen and not able to bear this cost. Appellant has filed petition to the Consumer Grievance Redressal Forum (CGRF), Northern Region, Kozhikode and CGRF (NR) vide order dated 26-07-2022, ordered that the line could be shifted at the cost of the appellant. Aggrieved by the decision of the Forum, the appellant filed appeal petition before this Authority.

Arguments of the appellant:

The appellant is the owner of the land bearing survey No. 233/4, the Licensee has drawn a line through this property without his consent. The

application has been forwarded to KSEBL office, they informed that Rs.1,000/- is to be paid initially for preparing the estimate. The cost of shifting will be around Rs.1.50 lakhs, which is to be borne by the appellant. The appellant is a senior citizen and not having the capacity to bear this expense. Filed the petition to CGRF (NR) and conducted hearing 06-07-2022. They informed that this line is very old line and this could be shifted on bearing the cost by appellant. During the year 2018 a transformer was installed for a colony, then this line would have been shifted to the road. This has done purposefully by KSEBL. This is a hindrance for constructing a house in the plot. The appellant is also having some financial commitment and he cannot sell the property because of the line. Appellant has repeated compliance to the KSEBL, but no action is taken by them. The nearby plot owners also having the same complaint. Necessary action is to be taken for shifting this line.

Arguments of the respondent:

The existing HT Over Head line constructed around 30 years back, is passing through the property of the appellant. Only one PSC pole with 30-meter Overhead Line is situated in the appellant's property. The said OH line passing through the property i.e, paddy field of the appellant is part of the 11kV Wandoor feeder from Poolamillu Transformer to Keerthippadi line AB. The total length of the line comes to 0.4km. Almost 80%, of the feeder is passing cross country through paddy fields.

KSEBL has not constructed any new overhead line in the appellant's property in the near future. The existing line forming part of 11kV Wandoor feeder was constructed long back.

Later, during 2018, a 100kVA transformer was inserted in the above said 11kV OH line as part of central aided & IPDS scheme. The transformer was installed in public road and in front of the nearby property. The installation of transformer was necessitated to solve the low voltage issues faced by the inhabitants of tribal colony in that area. No encroachment in private properties has also been done for the installation of the transformer.

The relevant provision in Kerala Electricity Supply Code 2014, Clause 95 4 (c), states that :-

“95 (4) The application for shifting an electric line or electrical plant shall be granted only if: (c) the applicant remits the labour charges required for shifting the electric line or electrical plant”.

Hence, the appellant was requested from Electrical Section, Nilambur to submit formal application to shift the line, if required, and to remit the required fee , towards site inspection for verifying the technical feasibility in respect of shifting the 11kV OH line and connected equipment installed in his property and to prepare the detailed estimate. The said matter was explained in detail to the appellant.

A proposal for converting the said Over Head Line to High Tension Ariel Bunched cable from Poolamillu Transformer to Keerthippadi line AB and rerouting the last portion of said line including the line passing through the property of the appellant has now been included in the approved DPR of the Centrally Aided Project RDSS for the year 2024-2025.

Analysis and findings:

The hearing was conducted on 11-10-2022 in the conference room in the office of the Dy. Chief Engineer, KSEBL, Manjery, Malappuram Dist. Sri. Sai Rey. T.P. was attended the hearing on behalf of the appellant. On the respondent side, Sri. Sajeevakumar. S.R., Assistant Engineer, Electrical Section, Nilambur of Licensee was 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 existing line crossing the property is an HT line which was drawn around 30 years back. The appellant is having property of around 2.25 Acres and the line is crossing the land around 30 meters. During 2018, a transformer was installed under the line in the road and the LT line has been drawn through

the road for power distribution. The respondent states that no new line has been drawn through his property and the line is drawn long back. Then the line is to be shifted by the appellant as per his requirement, then Section 95 of Kerala Electricity Supply Code 2014 is applicable here. This Section states:

- 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.”
- 95 (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.

According to the above clause, the appellant is bound to bear the cost of shifting. During the hearing, the respondent informed that there is a proposal to convert this line to ABT Cable which will be drawn through the road. This is under the RDS Scheme during the year 2024-25. Alternate option is that if the line is to be shifted earlier to this, the shifting cost has to be borne by the property owner/owners.

Decision: -

From the analysis of the arguments and the hearing, following decisions are hereby taken:

- (1) The License shall convert the line into cable and has to be drawn to the road, which is proposed under RDS Scheme 2024-25.
- (2) If the appellant required to shift on urgent basis, the Licensee shall shift the line and the cost is to be borne by the appellant/property owners.

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

ELECTRICITY OMBUDSMAN

P/061/2022/ _____ dated _____.

Delivered to:

1. Sri. T.P. Velayudhan, 'Aaramam', Padikunnu Road, Nilambur. P.O., Malappuram Dist. 679329
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Nilambur, Malappuram 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