

## **THE STATE ELECTRICITY OMBUDSMAN**

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### **APPEAL PETITION No. P/077/2022**

**(Present: A. Chandrakumara Nair)**

**Dated: 30<sup>th</sup> November, 2022**

Appellant : Sri. Stanly Raj. A.,  
Raj Industries,  
Payyattuvila P.O.,  
Thiruvananthapuram Dist. 695501

Respondent : Asst. Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Balaramapuram, Thiruvananthapuram  
Dist.

### **ORDER**

#### **Background of the case:**

The appellant is the owner of the welding workshop named as “Raj Industries” and a consumer under Electrical Section, Kottukal. On 21-10-2021 some officials of KSEBL and others together have demolished a shed numbered 12/121 and removed and taken away the items and materials. They disconnected the electrical connection and cut and removed the wiring also. The appellant suffered the loss and claiming a compensation of Rs.17,50,000/-. The appellant filed the petition to CGRF (SR) and CGRF (SR) issued order dated 30-09-2022, stating that the application for compensation cannot be considered.

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

#### **Arguments of the appellant:**

The appellant has received the order of CGRF(SR) where there is mentioned an earlier order of Local Self-Govt. Ombudsman, which has already been complied with. When applied with Kottukal Panchayth for the License to establish a welding workshop, the then Secretary of Panchayath was not given

permission, which may relate to not giving bribe money. Moreover, issued an order against the appellant with the complaint of non-resident of Kottukal Panchayath one Mr. Christopher.

On 21-10-2021 some officials of Kottukkal Panchayath and others together have taken away the items and materials from the upstairs of the building No. 122 B in 19<sup>th</sup> Ward in presence of the Police. Afterwards, the appellant had bedridden in hospital affected with heart-attack. In the meantime, some officials of KSEBL and others together have demolished a shed numbered 121 and removed and taken away the items and materials. Appellant requested this Authority to view the video taken by the Panchayat Secretary & Police detailing such incident.

Some officials of KSEBL and others together have demolished a shed numbered 122 B in 19<sup>th</sup> Ward and removed and taken away the workshop items and materials. This was done unauthorizedly as there were no order from the Ombudsman as the information received from the offices of Kottukal Panchayath, Dy. Director of Panchayat and Ombudsman.

Police protection was there during the demolition of the shed and also recorded video as informed by Electricity & Panchayath officials. Electricity Board officials disconnected the electrical connection and cut and removed the wiring also. This can be viewed by examining the video recorded by the concerned officials.

The appellant is a senior citizen having affected with heart-attack three times. The demolished workshop was making his daily earnings. Two permanent and 5 temporary workers were working in this workshop. The appellant suffered the loss and claiming reconstruction of shed and a compensation of Rs.17,50,000/- recoverable from Electricity Board and Panchayath officials.

**Arguments of the respondent:**

All the averments in the complaint are denied except which are specifically admitted complaint is not maintainable either on law or on facts. The facts of the case are briefly furnished below.

The appellant is running a welding workshop in the name of Raj Industries bearing consumer number 1146572002150 under Electrical Section, Kottukal.

As per the letter No. B4/899/2018 dated 16/10/2021 from Panchayath Secretary Kottukal states that Mr. A. Stanley Raj constructed unauthorised extension to his building No. XIX/122B, to execute the ombudsman order to demolish the unauthorised construction KSEB, Kottukal Section, Assistant Engineer to arrange to disconnect the electric connection of appellant's building No XIX/122B and the nearby electric posts (KTKL UB 27/A, KTKL UB 24) on 21/10/2021 at 10:00 Am onwards. As per this letter and also a letter from Vizhinjam Police Station letter No. 520/GL/2020/SHO-VZM dated 28/05/2020.

Assistant Engineer of Kottukal Electrical Section arrange one Lineman to execute the power switch off at that location. KSEB staff execute the work in presence of Panchayath authorities and Police. No other work was executed by the KSEB staff. After that, Panchayath Deputy Director, Civil Station, 4<sup>th</sup> floor Kodappanakunnu. P.O., Thiruvananthapuram issued a letter dated 8/2/2022 to Mr. Stanly Raj, Raj Industries, Uchakkada, Payattuvara P.O stated that as per the Hon'ble Ombudsman order No. OP-788/2018 dated 29/11/2019 was executed.

The KSEB authority obeyed the regulation 138 of Kerala Electricity Supply Code 2014, and as per letters from Panchayath Secretary, Kottukal, Police Sub Inspector, Vizhinjam and Panchayath Deputy Director, Thiruvananthapuram.

Hence, the respondent requested that considering the above facts, the petition may please be dismissed.

**Analysis and findings:**

The hearing of the case was conducted on 18-11-2022 at the meeting room of Kerala State Electricity Regulatory Commission, Thiruvananthapuram. The appellant Sri. A. Stanley Raj was attended the hearing and Sri. C.R. Vijayakumar, Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Balaramapuram 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 was running a welding workshop. As per his claim, there is two building numbers are there for the buildings which 19/122 B and 19/121. The appellant has made some unauthorized construction over his building violating the building rules. Based on the complaints from the neighbours, the Ombudsman for Local Self-Government ordered to demolish the unauthorized construction. Accordingly, the Kottukal Panchayath Secretary has given letter to Assistant Engineer, Kottukal Section deputed an official from the Section Office and he has disconnected the power from the transformer to ease out the demolition on electrical safety point of view. It is also noted that the SI of Police, Vizhinjam Police Station also issued notice to the appellant to remove the unauthorized construction started above the building. This construction is endangering the electrical safety as this reduces the clearance with the OH line.

The KSEBL officials disconnected the power as per the request of the Panchayath Secretary as per Section 138 (1) (e):

Section 138. Grounds for disconnection: - (1) The licensee shall not disconnect the supply of electricity to any consumer except on any one or more of the following grounds: -

(e) if the conduct or continuance of any business or industry or activity being carried out in any premises becomes unlawful due to lack of necessary permission from the competent authority or due to withdrawal of such permission by any competent authority.

The letters of Panchayath Secretary and Dy. Director states that the demolitions were done for the unauthorized construction executed over the building 19/122B. It is noted that no action being taken for 19/121. The appellant's claim of demolition of 19/121 is not at all proved and there is no document produced to support the claim.

The Dy. CE of KSEBL also informed the appellant that nobody from KSEBL side have entered the building premises and KSEBL officials were not the party to the demolition and removal of the items. The appellant is failed to prove the allegation against KSEBL.

This Authority is not having jurisdiction to decide about the demolition of construction done by the Local Self-Government or any other revenue authorities. If the appellant wishes may approach other legal forums for the redressal.

**Decision: -**

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

- (1) The application for the compensation filed by the appellant is dismissed.

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

**ELECTRICITY OMBUDSMAN**

P/077/2022/ dated \_\_\_\_\_.

**Delivered to:**

1. Sri. Stanly Raj. A., Raj Industries, Payyattuvila P.O., Thiruvananthapuram Dist. 695501
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Balaramapuram, Thiruvananthapuram 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, Kottarakkara - 691 506.