

TOHE STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No. P/09/2023
(Present A. Chandrakumaran Nair)
Dated: April-03-2023

Appellant: Savitri Amma. C
Kallokkattu house, Mangaram,
Konni, Pathanamthitta (dt) 689691

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSEB Limited,
Pathanamthitta

ORDER

Background of the case

The appellant Smt. Savitri Amma is a Senior citizen and consumer of Licensee under Konni section. She is having a plot measuring 27 cents of land in her ownership which has compound wall all around with a gate. One building is existing in the southern side of the property. The 12 cents out of 27 cents in the northern side with road front around 13m length. A transformer was erected by the licensee at the centre of this 13m blocking the usage of this property. Further two stay wires were also erected in her property without the consent. The erecting stay wire in the private property is an encroachment. There is sufficient space in the northern boundary of her property to erect the transformer and other installation. If the transformer would have erected closed to the northern boundary of her land, the land would have been effectively utilized. The appellant's requirement is that the installation has to be shifted to the northern side at the cost of the licensee. The appellant approached various levels of officers of the licensee nothing has happened. Then appellant filed petition in the CGRF. CGRF issued order stating that the appellant must approach District Collector for the decision regarding the complaint. Aggrieved with the decision of the CGRF, this appeal petition is filed to the authority.

Sustainability of this case

The appellant has filed a petition to the District Collector Pathanamthitta and the Collector asked a detailed report from the Respondent that is Asst. Executive Engineer, Electrical Subdivision, Pathanamthitta.

The section 164, of the Indian Electricity Act 2003 states about the application of Indian Telegraph Act- 1885 in certain cases such as placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications. Section 10(d) of the Indian Telegraphic Act 1885 states as *“In the exercise of the powers conferred by this section the telegraph authority shall do a little damage as possible and when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons for any damage sustained by them by reason of the exercise of those powers”*. The Section 16(1) of Indian Telegraph Act 1885 also states *“If the exercise of the powers mentioned in Section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may in his discretion, order that the telegraph authority shall be permitted to exercise them”*.

The section 17 of Indian Telegraph Act 1885 states about the removal or alteration of telegraph line or post on property other than that of a local authority.

Section 17(2) states that *“If the telegraph authority omits to comply with the requisition, the person making it may apply to the District Magistrate with whose Jurisdiction the property is situated to order the removal or alteration”*.

The section 22(1) of the KSERC (CGRF and Electricity Ombudsman) Regulation 2005 states that 22(1) no representation to the Ombudsman shall lie (d) *“in case where a representation for the same grievance by the complaint 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 such court, tribunal, arbitrator or authority”*.

The appellant has given a declaration as per the form B which states *“the subject matter of the present complaint has not been pending/decided by any forum/ court/ Arbitrator/ any of the authority.”* This declaration is as per Section 22(1) (d) of the KSERC regulation 2015.

In view of the above this above appeal is not able to accept by the Ombudsman.

Decision

Considering above facts and the regulations, the appeal petition is dismissed herewith.

ELECTRICITY OMBUDSMAN

No. P/09/2023/ _____ dated _____

Delivered to:

1. Savithri Amma C, Kallookkattu House, Mangaram, Konni, Pathanamthitta (DT)- 689691
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Pathanamthitta

Copy to

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