

STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No: P/198/2011.

(Present T.P. Vivekanandan)

Appellant	: Dr. S. Radhamohan, Chief Executive, Kailas & MathaPharma, Ezhukone, Pin: 691505
Respondent	: The Assistant Executive Engineer, Electrical Sub Division, KSEBoard, Kundra, Kollam.

ORDER.

Background of the Case.

The appellant is a consumer under Electrical section, Ezhukone. He lodged complaint at Electrical section, Ezhukone, on 16.03.2010, about the existing electric Posts and overhead electric line as posing dangerous situation to him and therefore requesting to remove them to the other side of the Lane bordering his compound. He alleges that the electric overhead line passing very close to his house and factory building, through a narrow pathway adjacent to his property is causing too much inconvenience to him. He further fears that the Electric Line and posts may break down at any time due to lack of maintenance and due to fall of branches of trees standing very close to the line and is creating a fearful situation to him.

Arguments by the Appellant.

The appellant has stated that the order of CGRF, Kottarakkara, has not been complied with by the respondent after a lapse of 30 days of the order. He further repeats the same prayer submitted to CGRF, Kottarakkara, i.e. shifting of the existing LT overhead electric Line to the opposite side of the road. Now the electric Line is drawn very close to the compound wall of his house and factory and therefore he wants to remove it away from his side of the road to the other side.

Arguments by the Respondent.

According to the respondent, the Petitioner had not approached the Assistant Engineer of Electrical section, Ezhukone, and submitted any request (application) for shifting the Line along with necessary consent letters from the adjacent property owners, as ordered by the Hon: CGRF (south), Kottarakkara, so far. Then only the Respondent could take further action in this regard. The Respondent assure that once the Petitioner submit the application and produce the consent letters from the nearby property owners and remit the necessary estimated work deposit amount required for shifting the Line, his grievance can be redressed.

Analysis and Findings.

The CGRF, Kottarakkara, has ordered in Petition No: vide O.P.586/2010 dated 31.12.2010, filed by the appellant that "if the complainant wants shifting of the line at his own cost, he may approach the Assistant Engineer of Electrical Section, Ezhukone and satisfy the requirements for shifting of the same. On submitting the necessary application and remitting the required fees and expenses and on satisfying other conditions, the opposite party shall shift the line as expeditiously as possible at any rate with in two weeks ".

The appellant has not pursued further steps based on the orders of CGRF, Kottarakara. He simply forwarded a complaint to this Forum alleging non-compliance of the orders of CGRF by the Respondent. It is noticed that the appellant has not submitted any application to the Respondent, requesting for shifting the Electric overhead Line that is causing inconvenience to him, along with the consent or no objection letters from the property owners, who are likely to be affected by the new alignment of Posts and Electric overhead line after shifting work. Since the CGRF's order was not being seriously pursued by the complainant with reasonable diligence, I do not want to interfere with the order passed by the Hon'ble CGRF, Kottarakara and hence the Appeal Petition is found lacking merit.

Decision:-

The appellant desires to have the existing Electric Posts and the Low Tension electric overhead line drawn along the pathway, just outside his compound wall, to be shifted to the other side of the lane. The respondent affirm that the Posts and overhead were in existence since 20 years. If the Electric Line is to be shifted to the opposite side of the pathway, it may encroach slightly the plot of the adjacent land owners on the opposite side as the overhead Lines are drawn in straight lines from Post to Post and the Lanes and pathways usually have curves and bends. This may also require cutting and removing tree branches and sometimes trees itself for aligning the overhead Lines and to keep the safety clearance as per Indian Electricity Rules. Hence if the applicant (beneficiary), who wants the existing line to be shifted to a new route, he should produce the consent or no objection letter from the 3rd parties in the new alignment route, whose properties are likely to be crossed, or intruded into by the new electric line after the proposed shifting work. Moreover, the Party is also required to remit the Work Deposit amount estimated by the Respondent to carry out the Line shifting work. Without such steps being taken by the appellant i.e. the beneficiary, it is not possible to shift an existing line, merely on request by a consumer.

Hence the order of CGRF is found to be as per rules and shall prevail. Further, the Respondent is directed to cut and clear the tree touching in the disputed OH line route and check the healthiness of the line and conductors and do necessary maintenance works, if required, with in one month of this order, since the appellant has expressed some serious apprehensions on the safety of the existing line.

There are no merits in the Appeal petition filed by the appellant, Dr S Radhamohan and stands dismissed accordingly. No order on costs. Having decided and ordered as above on the 8th of December, 2011.

ELECTRICITY OMBUDSMAN.

No:P/198/2011/ Dated.

Forwarded to: (1). Dr. S. Radhamohan, Chief Executive, Kailas & Matha Pharma, Ezhukone-691505.

(2). The Assistant Executive Engineer, Electrical Sub Division, KSEBoard, Kundra, Kollam.

Copy to: (1). The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram.10

(2). The Secretary, KSEBoard, Vydyuthibhavanam, Pattom, Thiruvananthapuram-4

(3). The Chairperson, CGRF, KSEBoard, Vydyuthibhavanam, Kottarakara.