

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION NO. P/10/2016
(Present: V.V. Sathyarajan)
Dated: 27th May 2016

Appellant : Smt. Satiamma
Rinu Banglavu, Neduvathoor
Kottarakkara,
Kollam.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd,
Kottarakkara,
Kollam District.

ORDER

Background of the case:

The appellant is a consumer under Electrical Section, Kottarakkara West with consumer number No. 16336. The appellant alleged that the respondent had shifted the electric post situated away from her premises and erected an old wooden post in her premises. Due to the shifting of post and the overhead line drawn for giving service connection to Smt. Bhavani is passing through the balcony of appellant's residential building without maintaining statutory clearance. Since the situation is very unsafe, she apprehended that at any time it may endanger to the appellant and also to the general public. Though she filed several complaints to remove the OH line from her property the respondent has not taken any action in this regard. Aggrieved against the inaction of the respondent, the appellant approached the CGRF (South), Kottarakkara with a complaint.

But the Forum disposed of the complaint vide order in OP No. 1620/2015 dated 27-01-2016 holding that the difficulties of the complainant can be solved by replacing the wooden post with a concrete post and to rearrange the cross arm for obtaining line clearance and issued the following directions:

(1) The respondent shall arrange the work with immediate effect to solve the issue.

(2) A letter shall be given to the petitioner informing about the future inconvenience/accident happens due to the OH line & electric post.

Not satisfied with the above direction, the appellant has filed this appeal petition before this Authority with a plea to shift the post No Ek149/2 to the south of the road.

Arguments of the appellant:

The appellant is a resident under Electrical Section with consumer No.16336. There is a wooden electrical post erected in the appellant's premises from which electric lines are drawn in 3 directions. The same is an old wooden post having No.EK-149/2. The averment in the complaint is that the existence of wooden post narrows the way to the house of appellant. Moreover, the electric lines are passing through the balcony of appellant's residential building, thereby causing danger to the life of the appellant and other inhabitants in the house.

The appellant filed several complaints to remove that line from their premise and to shift the electric post to the premises of Smt. Bavani, Bunglavil House, Neduvathoor. But the respondent and the officials working under him didn't do so to avoid the dangerous situation existing. So the appellant filed the complaint before the respondent. The appellant contended that the electric post was shifted to its present position from the property of one Mr. Bhaskaran (now owned by Smt. Vasantha) without the consent of the appellant.

But the respondent's contention is that they were ready to replace a concrete post to the wooden post with cross arms. But the appellant strongly objected the same. The respondent further contended that considering the peculiarity of land where the post is erected that is technically not feasible. The respondent further contended that the dangerous situation of overhead line can be avoided by erecting a PSC post in place of damaged wooden post.

The appellant stated that originally her service connection was from Post No. RK 149/2-1. The respondent changed the connection from Post No. EK 149/2-1 to EK 149/2 without the appellant's consent or knowledge. Moreover, two appeals as AS 104/08 and AS 103/08 were also pending before the Hon'ble Sub Court, Kottarakara. The CGRF went wrong in finding that difficulties of the appellant can be solved merely by replacing the wooden post with a concrete post and fitting cross arm for line. The CGRF didn't consider the option for changing the existing wooden post to the premises of Bhavani, Banglavil House, Neduvathoor to avoid the crossing of lines over of the balcony of the appellant.

The CGRF ought to have found that the electric post was shifted from original position to the present position from the property of Sri Bhaskaran

(now Vasantha) without the consent of the appellant. The appellant has to close a garment and tailoring unit due to this dangerous situation. The existence of the post will narrow down the pathway towards petitioner's house thereby causing difficulties. Since the height of the overhead line is not changed and a suitable cross arm is used or the post is replaced with a concrete one there exists every possibility of danger.

Another contention of the appellant is that since the supply lines were drawn towards 3 sides from the alleged post it can be conveniently replaced or shifted to any of such direction to the properties of the beneficiaries as there is no necessity of obtaining consent from a beneficiary to erect an electric post from which the appellant is also taking electric supply. The appellant prays this Hon'ble Court/Forum be pleased to set aside the order dated 27-01-2016 in OP Ho.1620/15 by the Consumer Grievance Redressal Forum (South), Kottarakara and allow the petition filed by the petitioner as a whole with cost.

Arguments of the respondent:

The appellant is a consumer under Electrical Section, Kottarakara West with consumer number No. 16336. She was aggrieved by an old wooden post erected in her premises. The wooden post is very old and through which overhead lines are drawn towards three sides. Of these three sides, one of the OH lines was drawn for giving service connection to Smt. Bhavani and that overhead line is passing through the balcony of the appellant and there is no statutory clearance between the building and the overhead line. Since the situation is very dangerous and it may any time cause damages to public and property, the opposite party on several occasions tried to replace the wooden post with a PSC post and to fix an additional cross arm to maintain statutory clearance but in all times the appellant objected the work.

The statement of the appellant that the respondent has done nothing to avoid the dangerous condition is false. On several occasions work was arranged to replace the wooden post and recently on 11-03-2016 and in all times the petitioner objected the work. On local enquiry it is known that the appellant had constructed the first floor of the building after the erection of overhead line. Since electric lines are drawn towards three sides of the mentioned wooden post and due to the peculiarity of the location it is not feasible to shift the electric post.

The Honourable Forum vide its order dated 07-01-2016 in OP No-1620/2015 directed this respondent to replace the old teak wood post with PSC post immediately and to write a letter to the appellant informing that she will be fully responsible for the future inconvenience/accident that will happen due to the OH line and electric post. It was complained by the opposite party and the appellant objected the work. Having aggrieved of the above order, the appellant now approached this Honourable Ombudsman seeking the same remedy which she has already sought from the

Honourable Consumer Grievance Redressal Forum (South). Hence it is requested to dismiss this appeal and to pass necessary orders to replace the teak wood post with a PSC post.

Analysis and findings

A hearing of the case was conducted in my chamber at Edappally, Ernakulam, on 04-05-2016. Smt. Satiamma represented for the appellant's side and Smt. Manju K., Assistant Engineer, Electrical Section, Kottarakkara West, for the respondent's side. The brief facts and circumstances of the case that led to filing of the petition before this Authority are narrated above. On examining the petition of the appellant, the statement of facts filed by the respondent, the arguments in the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

The question involved in this case is whether an energized overhead line can be drawn very close to or through the balcony of a residential building.

From the facts stated by the appellant and the respondent it is clear that the overhead line is passing through the balcony of the appellant's residential building. In view of the above facts, it is the duty of the licensee to draw an overhead line in such a way by maintaining statutory clearances in order to avoid danger to human life and other damages likely to cause to the general public. There is no justification in drawing the overhead line without maintaining the statutory clearance. So the respondent is directed to remove the OH line and place it after strictly following the statutory clearance so as to avoid the apprehending danger.

From the records it is revealed that the appellant approached the respondent on various occasions complaining about the dangerous situation due to the drawing of the said line through the balcony of her residential building. Even the CGRF also found that the existence of the line is in a dangerous situation. So there is no justification for the officers of the licensee in not taking timely action to remove the non-standard line so as to avoid any danger from the line to the appellant as well as to any other human beings.

In the appeal petition, the appellant has stated that two appeals as AS 104/08 and AS 103/08 are pending before the Hon'ble Sub Court, Kottarakkara. But the details of the above cases were not revealed to this Authority. So this Authority is not in a position to mention anything about those pending cases.

Decision

In the above circumstances there is no justification in keeping such a non-standard overhead line which is found very unsafe to human beings.

Hence the respondent is directed to take immediate steps to remove the overhead line passing through the balcony of the appellant's residential building and to replace the same only after strictly following the statutory clearances as per rules.

Having concluded and decided as above it is ordered accordingly. The appeal petition filed by the appellant is found having some merits and is admitted. The order of CGRF in OP No. 1620/2015 is modified. No order as to costs.

ELECTRICITY OMBUDSMAN

P/10/2016/ _____ Dated: _____

Delivered to:

1. Smt. Satiamma, Rinu Banglavu, Neduvathoor, Kottarakkara, Kollam.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kottarakkara, Kollam District.

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.