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APPEAL PETITION No. P/081/2016
(Present: V.V. Sathyarajan)
Dated: 27th February 2017

Appellant : Sri. Shahul Hameed
Panayara, Pada North,
Karunagappally P.O.,
Kollam.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd,
Karunagappally South,
Kollam.

ORDER

Background of the case:

The appellant, Sri Shahul Hameed, is a consumer under the jurisdiction of Electrical Section, Karunagappally (South). The appellant's case is that an extremely dangerous High-Tension 11 kV line which is passing through densely populated residential area from the KIP transformer to Railway Station Road in the 13th Division of Karunagappally Municipality. It is alleged that as the above High Tension line is in hazardous situation due to dilapidated posts and excessively sagging of bare conductors, the then Executive Engineer proposed an alternative route to shift the line during 2010-2011 and the then Chief Engineer approved the project and the preliminary works were started.

The appellant further argued that the project got delayed due to some unknown reasons. By that time, some persons purchased the paddy fields and nearby lands and built office of their construction company at the point where the 11 kV line passing through paddy fields meets the railway station road. The appellant suspects that the KSEB officials are hand in gloves with the land mafia and against for the decommissioning the 11 kV line through the densely populated area. So the appellant along with the residents of that

area filed a complaint before the Consumer Grievance Redressal Forum [South], Kottarakara. But the Forum dismissed their complaint vide order dated 30-09-2016. Aggrieved against this, the appellant has submitted this appeal petition before this Authority.

Arguments of the appellant:

The argument of the appellant is that the order of the learned Consumer Grievance Redressal Forum [South], Kottarakara, in the facts of the case is illegal and unjustified in law and such illegality paves the way for this appeal. Further the complaint of the appellant was dismissed as the KSEB authorities had misrepresented the facts. Though KSEB authorities accept the prevailing extremely dangerous situation due to dilapidated posts and sagging 11 kV line they have no time bound remedy or action plan to solve this problem. No assurance have been made on the part of the KSEB authorities whether the High Tension - Ariel Bunched Conductor (HT-ABC) project will come to life or even if that project workout whether they would be able to eliminate the prevailing danger by decommissioning the 11 kV line through densely populated area.

The appellant further argued that there are two 11 kV feeders, namely Mynagappally feeder and Chavara feeder starting from 66 kV Sub station, Karunagappally and go along the side of 11 kV structure up to KIP AB. The respondent admits the fact that both dead 11 kV line and live 11 kV line go side by side through the same 11 kV structure up to KIP AB as shown in the sketch. From KIP AB, the feeders divert into two, one through the paddy fields and other through the thickly populated area. The feeder through the paddy fields is renovated recently and in excellent condition and reaches west of Mundakappadam transformer in the Railway Station Road. The other feeder is in a dilapidated and damaged condition and passes through the thickly populated residential area and also reaches the Railway station road, near Toppers PSC Coaching Centre, in the west of Mundakappadam transformer.

The distance between the meeting points of above 2 feeders is less than 50 meters and there is an existing uncharged 11 kV feeder connecting the meeting points of above 2 feeders. For misrepresenting the facts, the distance between the meeting points of the above 2 feeder is deliberately exaggerated, forgetting the basic principles of Engineering Graphics. It is obvious from the above that the deliberate attempt of the Executive Engineer to manipulate and misrepresent the facts is due to his vested interests and it is highly objectionable.

More than thirty families signed on this representation are under fear of imminent danger at any time due to this age old 11 kV line and at the time of rain and wind the fear escalates. More than 500 students of schools pass

through this area every day and they have to cross the 11 kV line standing in dangerous condition. Many school buses and other vehicles pass under the dilapidated 11 kV line and if there is a danger, KSEB authorities will be the only persons responsible for the loss and they are dabbling with the life of thirty families living under the 11 kV line in dangerous condition.

Only due to vested interest, the KSEB authorities are insisting for dismantling of the 11kV line in good condition through paddy fields and retaining the dilapidated and damaged 11 kV electric line through thickly populated area though there is a viable alternative. Dismantling recently renovated line and retaining of dilapidated and damaged electric line is nothing but wastage of Government money and a potential threat to life and valuables of the public residing and travelling in that area. It is obvious from the above that the dismantling of the Mynagappally feeder is based on a secret plot for the vested interests of the KSEB authorities and land mafia. The secret plot in simple words is this: just leave the renovated feeder inoperative (not charged) for one year and citing this reason to the higher authorities to obtain a sanction for dismantling and this is in fact going on here.

The Executive Engineer is trying to humiliate the appellant who is a functionary of the Residential Association and a social worker who always stands for the public interest and the betterment of the society. The appellant filed several representations before the KSEB authorities and District administration citing the potential danger for the renovation of the dilapidated 11 kV DP and other 11 kV posts. The allegation of the Assistant Executive Engineer is total baseless and a deliberate attempt to manipulate the situation. It is also a well known fact that the KSEB authorities can obtain the help of Police to carry out any renovation work of dilapidated 11 kV posts if anybody obstructs the work.

It is the responsibility of the Kerala State Electricity Board Authorities to renovate the dilapidated line which is a potential danger to all residents of the residential association and other people travelling through this area. It is neither the responsibility of the appellant nor the residential association to deposit money for escalating danger that may be caused by the unscrupulous activities of the KSEB authorities. The manipulation and misrepresentation of facts by the Executive Engineer is highly objectionable. According to Assistant Executive Engineer, no tenders were obtained during the tendering process of the office of Executive Engineer and no time frame or time bound action is specified for the tendering or completion of KPIS project to divert the Chavara feeder. The big question still remains as to who will take the responsibility of the any catastrophic accident which may be caused due to failure of dilapidated existing 11 kV post.

For these and other grounds to be urged at the time of hearing, this Hon'ble Forum may be pleased to set aside the Order dated 30-09-2016 in O.P. No.139/2016 of the Consumer Grievance Redressal Forum [South], Kottarakara and further issue appropriate orders to decommission the 11 kV line through densely populated area instead of one through the paddy fields and save the life and property of innocent people from thirty families living under the dilapidated 11 kV line by allowing the complaint of the appellant.

Arguments of the respondent:

The arguments of the appellant stating that the existing 11 kV Chavara feeder is not in use are false. There are two 11 kV feeders namely 11 kV Mynagappally feeder and 11 kV Chavara feeder starting from 66 kV Substation, Karunagappally and go along the side by side of 11 kV structure up to KIP AB. The Chavara feeder proceeds further towards south feeding 6 Transformers under Electrical Section, Karunagappally South and then to Electrical Section Panmana and Electrical Section Mynagappally. The Mynagappally 11 kV feeder was re-routed up to Kallelibhagom Transformer and then proceeds to Electrical Section Mynagappally. Hence the portion of the Mynagappally feeder as shown in the sketch accompanied from A to B is dead.

Also the portion of the Mynagappally feeder from C to D (FCI to Kohinoor Kottaveettil) is not live as the Mynagappally feeder was separately routed through Panchayath road. It is only the dead portion of Mynagappally feeder is ordered to be dismantled. The re-routing of the Chavara 11 kV feeder is to be done in KPIS scheme along the NH 47 and branch lines are to be made from the line to the KIP and the other Transformer presently fed by the existing Chavara feeder. This work is to be tendered by Chief Engineer and is learned to be in tendering process. On completing the work of KPIS project only the route of Chavara feeder can be altered.

The dismantling of the dead portion of Mynagappally feeder is not based on any vested interests. The MS DP structure at KIP tried to be renovated and the appellant and some others objected the renovation of the structure. Now the appellant is complaining about the structure as dilapidated. The appellant has never given any request to divert the portion of 11 kV Chavara feeder passing nearby his house. Such diversion can only be done in deposit work and obtaining consent from other parties coming under the new route. It is also expected that the tendering of the work of KPIS project will be directed to be done by the Sub Division or Division office since no tenders were obtained during the tendering process of the office of Chief Engineer Distribution South. Hence KSEB have a plan to divert the Chavara feeder in future by completing the KPIS Project.

Analysis and findings:

A hearing of the case was conducted in the Court hall, CGRF, Kottarakkara on 21-12-2016. Sri Shahul Hameed and Sri Adarsh C. B. were present for the appellant's side and Sri. Omanakuttan S., Assistant Executive Engineer, Electrical Sub Division, Karunagappally (South) and Sri Dijeesh Raj S., Assistant Engineer, Electrical Section, Karunagappally (South) represented 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.

While the matter was pending, this Authority tried for a settlement by directing the respondent to have a joint inspection of the site along with the appellant to find out a feasible proposal to redress the grievance of the appellant. Because of the recalcitrant attitude of the respondent the proposal could not be implemented. Thereafter, the respondent placed a proposal for re-routing the 11 kV feeder through the Municipal road for which labour charges was estimated to Rs. 1,14,040.00 on 09-02-2017. However, the facts disclosed before this Authority reveals that the appellant is in need of decommissioning of the 11 kV feeder passing through the densely populated area instead of the 11 kV feeder which is passing through the paddy field.

The record says that there are two 11 kV feeders namely Mynagappally and Chavara starting from 66 kV Substation, Karunagappally. The above feeders are drawn side by side up to KIP-AB structure and from there the feeders divert into two, one through paddy field and the other one through the thickly populated area i.e., through the appellant's area. It is alleged that the 11 kV line through the paddy field is renovated recently and reaches west side of Mundakappadam transformer in the railway station road. The other 11 kV feeder is in a dilapidated and damaged condition which passes through the thickly populated residential area and also reaches railway station road near Toppers PSC Coaching Centre in the west of Mundakappadam transformer. The decommissioning of the feeder passing through the appellant's area can be done by interlinking the 11 kV feeder passing through the paddy field with the uncharged 11 kV feeder drawn through the railway station road.

As per the arguments of the respondent 11 kV Mynagappally feeder was re-routed up to Kallelibhagom transformer and then proceeds to Electrical Section, Mynagappally and a portion of this feeder passing through the paddy field is dead, which is ordered to be dismantled. The re-routing of Chavara feeder is to be done under KPIS scheme along the NH 47 and branch lines are to be made from the line to the KIP and the other

transformers presently fed from the Chavara feeder. In the meantime the respondent stated that a proposal for re-routing the Chavara feeder in the event of getting sanction from Chief Engineer, Distribution South is in existence.

On a detailed analysis of the pleadings and documents produced by both sides it can be held that, admittedly, there is no joint inspection conducted in order to redress the grievance of the appellant. Apart from the allegation that the renovation of DP structure at KIP could not be renovated due to objections, the respondent failed to carry out the maintenance works of the 11 kV feeder passing through the appellant's area. Even though the respondent submitted that there is a proposal for re-routing the feeder under question, no action is seen taken to implement the proposal. Instead, the respondent prepared an estimate amounting to Rs. 1,14,040.00 towards the labour charges for re-routing the feeder passing through the appellant's area.

According to the appellant there was a proposal for decommissioning the stretch of 11 kV feeder under question and to divert the same through the existing 11 kV feeder drawn through the paddy field. But the proposal could not materialize so far. The respondent also stated that the re-routing of the Chavara 11 kV feeder is to be done in KPIS scheme along the NH 47 and branch lines are to be made from the line to the KIP and the other Transformer presently fed by the existing Chavara feeder and the KSEB has a plan to divert the Chavara feeder in future by completing the KPIS project. However it is reported that no tenders were obtained and no time frame for completion of the KPIS project to divert the Chavara feeder is fixed.

In view of the above facts the appellant can wait till the finalization of the proposal for re-routing the Chavara feeder so that they can avoid payment of any amount towards the shifting charge of 11 kV feeder from thickly populated area or in the case of appellant is of dire need for shifting the feeder, they can approach the respondent expressing their willingness to pay the labour charges for the shifting work. In that event, the respondent shall reconsider the entire issue and find out for a feasible route to shift the feeder with minimum labour charges. However, it is made clear that the respondent will ensure that the 11 kV feeder passing through the thickly populated area must be maintained as per standards in order to avoid any apprehension in danger to the public. This must be done without any delay.

Decision

Under the above mentioned circumstances, it is held that in the case of appellant and others are of dire need for shifting the feeder they can approach the licensee expressing their willingness to pay the labour charges for the shifting work. In that event, the respondent shall consider the entire

issue and find out a feasible route to shift the feeder passing through the appellant's area with minimum labour charges. However, it is made clear that the 11 kV feeder passing through the thickly populated area must be maintained as per standards without any delay.

The appeal petition is disposed of accordingly. The order of CGRF in OP No. 139/2016 dated 30-09-2016 is set aside. No order as to costs.

ELECTRICITY OMBUDSMAN

P/081/2016/_____ /Dated:_____

Delivered to:

1. Sri. Shahul Hameed, Panayara, Pada North, Karunagappally P.O., Kollam.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Karunagappally South, Kollam.

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.