

THE STATE ELECTRICITY OMBUDSMAN  
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,  
Edappally, Kochi-682 024  
[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9539913269  
Email:ombudsman.electricity@gmail.com

---

APPEAL PETITION No. P/027/2017  
(Present: A.S. Dasappan)  
Dated: 29<sup>th</sup> June 2017

Appellant : Sri. Chndrasekharan  
Kannammaseri,  
Vadakumthala P.O,  
Karunagappally,  
Kollam

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

### **ORDER**

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

The appellant is a consumer under Electrical Section, Edappallykotta. The complaint of the appellant is that the KSEB officials erected two stay wires in his property without his consent and has caused destruction by way of cutting and removing the branches of mango trees standing without his consent in his property. He also states that the stay wires erected in his property, without his consent, knowledge and caused denial free use of the property and has caused damage to his trees and by this he has suffered a loss of nearly Rs. 5,000/-. Aggrieved by this, the appellant filed a Petition before the CGRF, Kottarakkara, which was dismissed vide order No. OP/287/2016 dated 13/02/2017, due to lack of merit. Dissatisfied by the order, the appellant preferred this Appeal before this Authority.

**Arguments of the appellant**

The appellant has adduced the following arguments in his appeal petition.

The appellant is aggrieved by the stay wires erected in his property. According to him, no sensible people will give permission to install stay wires in their property as they give obstruction to use their property as and when they decide. The appellant has contended that the stay wires were installed in his property in his absence and by trespassing into his property this was done. For safeguarding the electric posts and lines, the respondent has to make alternative arrangements and not by doing the unlawful activities.

The respondent's men had removed the branches of mango trees extending towards the road from his property. It is stated that these branches were not touching Electric lines thereby causing any threat to the safety. This tree is situated in the corner of the yard directly opposite side of the road. The respondent had intruded the functions assigned to Panchayath, Health, Fire & Safety Departments etc. Trees branches were protruding towards the road and not at all reachable to the transformer or lines. There is no stipulation in the regulations to cut trees without the owner's knowledge and consent.

By installing the stay wires in the property without consent, the respondent had denied free use of the property as and when necessity arises and against fundamental rights.

The appellant argued that the actions of respondent constitute a misconduct and compensation oriented. Hence the appellant has requested to remove the stay wires from his property and to award compensation of Rs. 5,000/- (Rupees Five Thousand only) for the loss occurred.

**Arguments of the respondent**

The contentions of the respondent are the following.

The appellant's plea to remove the existing stays of an LT 3 phase line constructed several years (more than 30 years) back for supplying electricity to the inhabitants in the area including the appellant. The petition is not maintainable before this Hon'ble Electricity Ombudsman and Section 164 of Electricity Act, 2003, read with Indian Telegraph Act, 1885, Section 16 (1) and 17 empowers the Hon'ble District magistrate to make a final order in the appellant's requisition.

The stay wires installed in the property of the appellant is provided for the stability and safety of electric lines placed along the side of a public road to distribute electricity to the inhabitants in the area including the appellant. This line is in use for the last several years and the appellant had not raised any objections earlier and it reveals that he had extended his whole - hearted co-operation at the time of constructing the electric line which was essential for providing electric connection to the appellant also. It is also clear that the stays provided for an LT 3 phase line constructed along a narrow road are not creating any inconvenience to the appellant. These stays are located at the extreme ends of appellant's land and removing these stays as demanded in this petition is not feasible as this action will endanger to stability of electric line constructed over a public road and placing of stays at some other locations require shifting of electric poles also and this action will cause more inconvenience to the nearby inhabitants.

The branches of a mango tree at the outer boundary of the appellant's property with its branches grown beyond the boundary and crossed the midway of the narrow road which was creating safety risk to the 11 k/415 Volt Transformer installed on a PSC double pole structure erected at the opposite side of appellant's property, was cut down during periodical HT line touching clearance works. Cutting and removing of the tree branch was essential to ensure safety of public and were belongings from any mishaps due to the proximity of it with the High Voltage electric line. It is also submitted that the tree branch was in such a position that it will cause damages to the transformer and to the HT line during wind.

The Regulation 64 (3) of Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010 make it clear that no materials or earth work or agricultural produce shall be dumped or stored, no trees grown below or in the vicinity of bare over head conductors or lines to contravene the provisions of regulations 60 & 61. Regulation 61 (3) specifies the horizontal clearance between the nearest conductor for lines of voltage exceeding 650 V up to 11000 Volts as 1.2 Metre. Since KSEBL is bound to ensure safety requirements specified by laws in force and supply electricity without any interruption.

In accordance with above regulations, the appellant is prevented from allowing the branches of mango tree in this property are growing up to the proximity of 11 kV line and transformer installed on the other side of the road.

The staffs employed or removing touching of 11 kV line and transformer acted only as per prevailing rules. Their action was not with the intention to cause any damages / losses to him but to ensure safety.

**Analysis and Findings: -**

On examining the Petition, the statement of facts filed by the respondent, considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision.

The hearing of the case was conducted on 20.06.2017, in the Court Hall of CGRF, Kottarakkara and Sri N. Chandrasekharan, the appellant and Sri Omanakuttan S, Assistant Executive Engineer, Electrical Sub Division, Karunagappally South were present and they have represented the sides of the Appellant and Respondent respectively.

The respondent has submitted documents like photograph of the disputed area and a sketch of the disputed property for verification. The respondent says that the stays were erected some 30 years back and during these years the appellant had not raised any objections. If the appellant has raised any oral or written objection against the installation of stay at the initial stage of erection of stay itself, then as per rules the KSEB is required to approach the District Collector and get orders before doing the work. In this case, there is no evidence to prove that the Appellant has filed the objection in time, before the respondents or its superior officers. The request of the appellant to shift the stay to another place requires more conditions to satisfy. That is, the applicant for shifting work has required to remit the amount estimated for the same work and the feasibility of such shifting is to be examined, then only the Licensee will be acting on it. The provisions under Regulation 95 of Supply Code, 2014 has to be adhered in the case of shifting of electric line, plant etc. Otherwise, the respondent cannot be compelled to enforce the same request.

It is true that some branches of the mango tree in the property were cut and removed without his consent. The respondent states that they have cut the branches of one tree drooping to the path for maintaining the safety clearance, as specified under Indian Electricity Rules and regulation 64 (3) of Central Electricity Authority (Measures Relating to Safety and Electric Supply) Regulations, 2010. The appellant has not produced anything to substantiate his claim of Rs 5,000/- as loss on that account. Since the claim of compensation is not proved, the relief sought for the same, is rejected.

## **Decision**

Rejected the request for the shifting / removing of transformer stays as the existing network in the area comprising of transformers and lines feed the consumers in that area. The removal of the stays will cause the system unstable. The appellant can approach the licensee with a request to shift the stays, if technically feasible, the licensee will take action. Also rejected the request for compensation of Rs. 5,000/- as the respondent arranged the work as per rules.

Having concluded and decided as above, it is ordered accordingly. The appeal petition filed by the consumer is dismissed. The related CGRF's order, vide order No. OP/287/2016 dated 13/02/2017, of the CGRF, Kottarakkara, is upheld. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/027/2017/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. Chndrasekharan, Kannammaseri, Vadakumthala P.O, Karunagappally, 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.