

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

APPEAL PETITION No. P/016/2018
(Present: A.S. Dasappan)
Dated: 25th May 2018

Appellant : Sri Ayyappan Nair.C.K.,
Sowparnika, GHRA-D8,
Gaff Hill, Chekkalamukku,
Sreekaryam P.O., Thiruvananthapuram

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd., Parassala,
Thiruvananthapuram

ORDER

Background of the case:

The appellant has filed the appeal petition, being aggrieved at the inaction of KSEBL to shift the transformer erected in front of his property situated under Electrical Section, Parassala in Thiruvananthapuram District. The appellant alleges that the said transformer was installed without informing him. The appellant owns about 12¼ cents of land and due to the installation of transformer, he finds difficulty to construct a house in his property because it will cause inconvenience to enter the property. Though the appellant had approached the ministers and various officers of KSEBL for shifting the transformer, his grievance is not yet settled. Since no proper action was taken on his petitions, the appellant has filed petition before the CGRF, Kottarakkara vide Petition No. OP No. 558/2017 and the CGRF has dismissed it by order dated 14-02-2018, due to lack of merit. Still aggrieved by the said order, the appellant has filed the Appeal Petition, before this Authority.

Arguments of the appellant:

The appellant has put forward the following averments in his appeal petition.

The appellant has a property of 12¼ cents with boundary wall, just opposite of the Girls Higher Secondary School, Parassala. There is a canal of 1½ feet width outside the compound wall on the north side adjacent to the property. Just in front of the canal on the north side the KSEB authorities installed a mini transformer in the year 2013. The appellant seldom visits Parassala as he is staying with family in Thiruvananthapuram.

During the year 2013, when the appellant visited Parassala, it is noticed that a mini transformer and 4 stay wires near the canal were installed by KSEB authorities in the property proposed for constructing his house. The appellant was not informed about this by anyone. The next day itself the appellant approached the then Chief Minister, Minister for Electricity, and Assistant Executive Engineer, Parassala/Neyyattinkara for the removal of the transformer. There was no action for years and no replies from the ministers' office. In the year 2016, again the appellant submitted a petition to Minister for Electricity and there was also no reply for that too.

The appellant filed complaints before the officers in Neyyattinkara and the next day they inspected the area and gave instructions to the Parassala authorities to replace the transformer. But nothing was done.

There was an old big transformer installed about 35 metres away from the eastern side of the road. While this big transformer was active, the action of the KSEBL by installing a mini transformer in the centre of property of the appellant along the boundary wall is a breach of human rights. After giving application, the authorities have strengthened the platform of the transformer with iron bars in front of the property. The unlawful activity shown towards the appellant is the blatant breach of human right.

The appellant was quite depressed after getting the order dated 14th February 2018 of CGRF in OP No. 558/2017, by dismissing the petition due to lack of merit.

The appellant requests to replace the transformer installed in front of the property of the appellant.

Arguments of the respondent:

The respondent has refuted the allegations raised in the appeal petition and presented the following versions in the statement of facts.

1. The disputed 100 kVA, Karali, GHS transformer was installed during the year 2013 under voltage improvement scheme.
2. Based on the petition, the Assistant Executive Engineer, Assistant Engineer and Sub Engineers inspected the site on 15-03-2018.
3. During the above site inspection, it was found that the above 100 kVA transformer was installed around 4 metre away from the existing compound wall of the appellant and fully installed the DP and transformer in the public property causes no hindrance to the passage to the property of the appellant.
4. The peak load of the above 100 kVA transformer was 110 A and feeding to the Parassala town and the surrounding area.
5. Just opposite to the transformer station there was Government Girls Higher Secondary School. By considering safety point of view the fencing was provided to the transformer station.

6. Also technically and practically it was not possible to shift the transformer to any other location.
7. Since the above DP structure and 100 kVA transformer were installed fully within the public property and away 4 metre to 4.5 metre from the compound wall of the appellant, it is requested to dismiss the case.

Analysis and Findings: -

The Hearing of the case was conducted on 14-05-2018 in the Court Hall of CGRF, Kottarakkara. Sri Ayyappan Nair and Smt. K Sreekala represented the appellant and argued the case on the lines stated above. Sri Siva Kumar S., Assistant Executive Engineer of Electrical Sub Division, Parassala represented for the respondent's side.

On perusing the Appeal Petition, the counter of the Respondent, the documents submitted, arguments during the hearing and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions there of.

On going through the details of the case, it can be seen that the transformer was erected in the road in front of a portion of the appellant's property. The respondent has stated that the transformer was installed during the year 2013 under voltage improvement scheme. According to the respondent, the 100 kVA transformer was installed around 4 metre to 4.5 metre away from the existing compound wall of the appellant and the same not caused any hindrance to the appellant. It is pertinent to note that the location once fixed and shifted to other location, due to the objection of a single person, there is every chance of further objections from the public.

A proposal for a new transformer or enhancing the existing transformer is usually made for the voltage improvement work. In order to redress the grievances of consumers at Parassala area regarding voltage problems, installation of a transformer is found necessary and no doubt that the same is to be erected at the technically and feasibly suitable location.

The appellant has stated that the distance from the appellant's compound wall to the transformer is only 3.5 metres and 4 stay wires are erected very close to the compound wall. The surrounding platform is constructed in such a way that no gate can be made to enter the plot. Another argument of the appellant is that there is sufficient place available at "Karali" which is about 60 metre towards east side along the road side. Though the installation of the transformer was done during 2013, the fencing was made after 5 years. This was done with an intention to harass the appellant because the appellant submitted petitions to ministers against the officers of KSEBL.

Apart from the assertions, the only contention raised by the respondent in this case is the non availability of suitable space for installing the transformer and the existing location is found suitable. At the same time the appellant argued that

there is ample space for installing the transformer along the road and the installation is with ill motive.

As per REC Standards, fencing has to be constructed for the transformer station and the licensee has to follow the instructions issued by the Electrical Inspectorate, considering the safety aspects. At the same time, it is the responsibility of the licensee to redress the grievances of appellant and the public. Hence, any impediment happening for the free entrance to the property of the appellant shall be avoided.

During the hearing, the appellant and the respondent informed that widening of the road is under progress and during that time the transformer can be shifted to a more convenient place. The appellant has also agreed with this suggestion.

Decision:

In view of the above discussions, the respondent is directed to consider shifting of the transformer in a convenient location at the time of widening the road, if technically feasible. If the widening work is delayed more, the shifting shall be arranged under deposit work, if technically feasible and a convenient location than the present. The order of CGRF, Kottarakkara vide Petition No. OP 558/2017 dated 14-02-2018 is set aside. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/016/2018/_____/Dated:_____

Delivered to:

1. Sri Ayyappan Nair C.K., Sowparnika, GHRA-D8, Gaff Hill, Chekkalamukku, Sreekaryam P.O., Thiruvananthapuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Parassala, Thiruvananthapuram

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.