

.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/017/2018
(Present: A.S. Dasappan)
Dated: 25th May 2018

Appellant : Sri. John Daniel,
Kizhakekonathu Puthen Veedu,
Elamadu P.O.,
Ambalamukku,
Kollam

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

ORDER

Background of the case:

The appellant is a consumer bearing consumer No.2984 under Electric Section, Ayoor, Kollam. The consumer is aggrieved by the fact that the service wire, giving connection to his neighbor, Smt. Rajani (Con: No.381) was drawn across his property without his consent. The appellant filed a petition before the CGRF, Kottarakkara, vide OP No. 556/2017 as he was not fully satisfied with the action of the respondent. The Forum disposed of the petition on 20-02-2018 by directing the appellant to approach the District Collector since the dispute relates to property crossing and the Forum has no jurisdiction to entertain such disputes. Aggrieved by this decision, the appellant has submitted this Appeal petition before this Authority on 19/03/2018.

Arguments of the appellant:

The appellant had given a petition before the CGRF, Kottarakkara against the drawal of the electric line through his property without his knowledge and consent. The Forum ordered to approach the District Collector as there is a “dispute in property crossing”.

The appellant requests to issue an order considering the following factors.

1. This issue can be solved by providing an additional post in the road.
2. The expenses for the above work can be met from the consumers Smt. Rajani and Sri Sivam or carry out the work by KSEBL.

Arguments of the respondent:

The appellant is a consumer of Electrical Section, Ayoor with consumer No. 2984. 60 metre OH line and 20 metre WP line were drawn for giving electricity connection to the premises with consumer No. 23301. A portion (25 metre OH line and 5 metre WP line) of the above line crosses the property of the appellant. The service connection No. 23301 was given on 22-01-2014 and is seen given without obtaining consent from the appellant.

The appellant filed petition before the CGRF, Kottarakkara vide OP No. 556/2017 and the Forum after hearing issued order on 20-02-2018 to approach District Collector.

On the above circumstances the respondent requests to dismiss the appeal petition.

Analysis and Findings: -

The Hearing of the case was done on 14-05-2018, in the Court Hall of CGRF, Kottarakkara and both appellant and respondent were present. The appellant's side was represented by Smt. Mariyamma John and the respondent's side was represented by Sri. Rajesh V.N., Assistant Engineer, Electrical Section, Ayoor. They have argued the case on the lines detailed above. On examining the petition, the statement of facts of the respondent, the documents attached, the averments raised during the hearings and considering all the facts and circumstances of the case I come to the following Findings and Conclusions leading to the decisions there of.

The main point of the allegation raised by the appellant is that the service wire giving connection to his neighbor, Smt. Rajani Sivam (consumer No.23301), was drawn across his property unauthorisedly without his knowledge and consent. The respondent has not furnished a satisfactory answer to this, but stated that the service wire was drawn through this route, on 22-01-2014 and as per agreement, no written consent obtained from the property owner. The appellant argues that the line was having been drawn during 2014. It is surprising to note that the appellant has not raised objections against the line during the past long years. In this case, there is no evidence to prove that the appellant has filed any objection in time, before the respondent or its superior officers. The respondent has not confirmed the fact

whether any indemnity bond was furnished by the consumer number 23301 for obtaining the electric service connection while applying.

Since the electric Line was reported to be drawn without any objection, at that point of time and stood there for the last so many years, which itself reveals that there is no merit in the allegation of the appellant, that the line was drawn unauthorisedly. In this case the KSEBL is the rival party and the property crossing dispute is against the line drawn by the respondent unauthorisedly through the property of the appellant. But a consumer or an owner of a property, should not be put to undue hardship or cause him inconvenience, by an electric line drawn to his neighbor, through his property, when there exists a separate pathway or passage that leads to the same neighbor's house and through which the neighbor can avail the said electric connection. It is a fact that a consumer has every right to retain and enjoy the electric connection he has already obtained. But at the same time the consumer cannot demand that the electric service connection should be retained through other's property alone, when he has his own passage or pathway leading to his house, through which it is possible to provide the same connection. The party cannot be compelled to remit the amount required for the shifting work of the Line, but if the opposite side (the appellant) is willing to deposit the same amount, the KSEBL has to act upon it, if there is a feasible route through public road and/or through the consumer's own pathway, after giving notice to the affected parties.

I believe, the request of the appellant, to shift the service line going to a third party through his property, in a situation when the beneficiary of the electric line itself has his own passage or path, through which it is feasible to draw the Line, can be entertained by the Licensee, KSEBL, provided the route is feasible and the cost of shifting work is deposited by either side (appellant or the neighbor), as it is a genuine demand. It was suggested during the Hearing that it is possible to shift the line by erecting an Electric post in the corner of the road, leading to the passage.

Considering the above facts I am of the opinion that the respondent may take action to shift the line from the plot of the appellant by suitable means without causing any inconvenience to others by erecting a Post in a corner or suitable location of the road under deposit work.

Decision

The respondent is ordered to prepare an estimate to shift the line from the property of the appellant, as stated above or by any other feasible route or method of shifting, whichever is most convenient and that causes without obstruction to others and to proceed with further actions as per rules with in 60 (sixty) days of this order.

The respondent shall collect deposit work amount from the appellant for the shifting of Line and carry out the work as per the estimate. If the grievance is not redressed as above, the appellant can approach the District Magistrate for further remedies. Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant, Sri. John Daniel, stands disposed of as above. No order on costs.

ELECTRICITY OMBUDSMAN

P/017/2018/_____ /Dated:_____

Delivered to:

1. Sri. John Daniel, Kizhakekonathu Puthen Veedu, Elamadu P.O., Ambalamukku, Kollam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Ayoor, 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.