

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

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APPEAL PETITION No. P/078/2018  
(Present: A.S. Dasappan)  
Dated: 8<sup>th</sup> November 2018

Appellant : Smt. Shajina Sajeevan  
Chirammal House,  
Muzhappilangad P.O.,  
Kannur

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Pinarayi,  
Kannur

### **ORDER**

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

The grievance of the appellant is against the erection of a transformer in her property by the respondent without her consent and knowledge which has caused obstruction for construction of building in the property. The appellant also alleges that a coconut tree and cashew tree were cut for the erection of the transformer by the respondent without her consent. Aggrieved by this, the appellant filed a petition before the CGRF, Kozhikode, which was disposed with a direction to approach the District Magistrate for redressing the grievance vide order No. OP/7/ 2018-19 dated 14-08-2018. Not satisfied with the order of the Forum, the appellant approached this Authority with this appeal.

#### **Arguments of the appellant:**

The appellant has ownership for 9.5 cents of land in Muzhappilangadu Village under Dharmadom Electrical Section area. The land was purchased 10 years before for the construction of a residential building. A transformer was erected by KSEBL Authority obstructing the entry to the property without the consent or permission of the appellant which adversely affected the construction of the building. The proposed area including the location for the shifting of the

transformer is owned by the appellant and respondent is demanding shifting charge. As such it is requested to arrange shifting of the transformer without realizing the shifting charge from the appellant.

**Arguments of the Respondent:**

The transformer was erected in the present location near Deepthi Anganvadi for improving the voltage in the area after extending 550 metre High Tension line. The nearby property owner had expressed no objection in erecting the transformer in the present location. Though the transformer was erected in 2014, it was energized in 2017 and afterwards Smt. Shajina Sajeevan placed complaint on 08-05-2017 requesting to shift the transformer for constructing house.

The Deputy Chief Engineer has inspected the site and found merit in the petition and instructed to initiate action to shift the transformer to a convenient location otherwise the transformer to be kept in switched off condition.

In continuation, Executive Engineer, Thalassery Division requested the Panchayat Authority on 16-02-2018 to identify a location suitable for the shifting and a joint inspection was conducted on 17-04-2018 by KSEBL, Panchayat and appellant and decided to shift the transformer to a nearby location.

The CGRF dismissed the OP No. 07/18-19 and ordered to approach the District Magistrate for further actions, which led to the filing of this appeal by the appellant.

The appellant, Smt. Shajina Sajeevan has also an ownership of 3 cents of land near to the above said land. It was decided to shift the transformer in front of the boundary of the both land and the appellant has to bear the estimate amount of Rs. 73,169/-. The labour portion of the estimate is Rs. 48,771/- and the contractor of the Dharmadom Section has agreed to carry out the work for Rs. 30,000/- which has to be met by the appellant. The other portion of the estimate for Rs. 15,620/- has also to be remitted by the appellant.

**Analysis and Findings:**

A hearing was conducted in my chamber at Edappally, Kochi on 30-10-2018. Smt. T.K. Latha, Assistant Executive Engineer, Electrical Sub Division, Pinarayi, was present for the respondent's side. The appellant has forwarded a

letter stating her inability to attend the hearing and has requested to shift the transformer to any other place. Further, she stressed that everything has been stated in her Appeal Petition and has nothing more to add than stated and prayed for the relief sought by her.

Accordingly the hearing was conducted with the respondent only. The appellant has clearly stated that no written or oral consent was given by her to erect the transformer in the property. This argument was not challenged by the respondent and confirms that no written/oral consent was obtained from the owner. On verifying the petition and the statement of facts, it is seen that the petition is having some merits as the transformer was erected in the property of the appellant without obtaining any consent from the present owner. In the above circumstances,

*The point to be decided is as to whether the appellant is required to remit the estimate cost for shifting the transformer from her property or not.*

As per the respondent, the present erection of the transformer is creating inconvenience to the appellant. There is an alternate proposal having no other disputes and which is identified by Panchayat Authorities. The only bottleneck is who will meet the labour charges for the shifting. It is stated that not much additional materials required for the shifting. The appellant is not willing to remit the shifting charges.

Here in this case, the transformer had been erected in the appellant's property for the use of the KSEBL, even without any permission/consent from the appellant. The respondent's contention that the neighbouring property owner expressed no objection is not a reasonable explanation for erecting a transformer in a private property without the consent of the owner. The respondent is duty bound to verify the details of the property before effecting the erection of the transformer. Though the respondent admitted their mistake in not making proper verification before effecting new transformer, they are simply insisting payment of estimate cost for shifting the transformer which cannot be justified. Since the appellant has raised the objection even after a lapse of 3 years is not a sufficient reason to insist the payment for shifting work.

In view of the above facts, there is no reasonable justification for those arguments of the respondent as it is a clear lapse on part of the respondent. As per the respondent, an undisputed technically feasible location is available for the re-erection of the transformer and the present location is unsafe as per the inspection report of the Deputy Chief Engineer of KSEBL.

**Decision**

In view of the above discussions it is hereby directed the respondent to shift the transformer from the present place of the appellant's property to the alternate place proposed at their risk and cost. The shifting work should be carried out at any rate within a period of 60 days from the date of receipt of this order. The order of CGRF in OP No. 7/2018-19 dated 14-08-2018 is set aside. The appeal is admitted. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/078/2018/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Smt. Shajina Sajeevan, Chirammal House, Muzhappilangad P.O., Kannur
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Pinarayi, Kannur

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, Gandhi Road, Kozhikode