

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/087/2018  
(Present: A.S. Dasappan)  
Dated: 21<sup>st</sup> January 2019

Appellant : Sri Gayan T.S.,  
Thilayaparambil House,  
Eloor East P.O., Udyogamandal,  
Ernakulam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Kalamassery,  
Ernakulam

## **ORDER**

### **Background of the Case:**

The appellant has filed an appeal petition in P/087/2018, being aggrieved by the decision taken by the CGRF to remit the labour charges for the shifting of the electric post situated in the property of the appellant near to the compound wall. The appellant is a domestic consumer under Electrical Section, Eloor having consumer number 1053. The appellant finds difficulty to construct a new house in his property. The appellant has filed petition before the CGRF, Ernakulam vide Petition No. OP No. 18/2018-19 and the CGRF has disposed it by order dated 29-09-2018 as follows: "(1) the respondent is directed to revise the estimate by taking labour charges alone for shifting the electric posts and lines within one week from the date of receipt of this order. 2) also directed to shift the electric post and line as per the sketch submitted by the respondent within 15 days from the date of remittance of the labour charges by the petitioner." Accordingly the respondent has prepared an estimate of Rs. 6,090/- and directed the appellant to remit the amount.

Still aggrieved by the order of the CGRF, the Appellant has filed the Appeal Petition before this Authority.

**Arguments of the Appellant**

The appellant's contentions in the appeal are the following.

The appellant is not able to construct a house in his property due to an electric line drawn across in his property without the permission of him. The appellant submitted petition to the CGRF for the removal of line from his property and CGRF ordered to remove the line realizing labour charge. Accordingly the Assistant Engineer, Eloor directed him to remit Rs. 6,090/-. The appellant has no other income and included in the category of BPL and no capacity to remit the above amount. Now the appellant is trying to construct a house using fund for Rs. 4 lakhs received from the Government. The appellant had not given consent to give connection to the neighbours. The appellant requested to remove the line from his property with Board's cost and exempt him from remitting Rs. 6,090/-.

**Arguments of the respondent:**

1. The appellant Sri. Gayan T S is a domestic consumer under Electrical Section, Eloor, with consumer number 1053.
2. The appellant had approached KSEB Ltd for shifting a single phase OH line drawn across his property towards back side of his house. The said OH line caters three service connections. One to the appellant's own residence, with consumer number 1053 and two nearby houses with consumer numbers, 8375 and 7423.
3. An estimate was prepared for shifting the OH line from his property and to maintain existing service connections. Instead of remitting the said estimate amount, the appellant approached the CGRF for relief.
4. The OH line portion marked A-B-C-D in the sketch needs to be dismantled. Pole marked D will be erected at position E. New OH single phase will be drawn from pole A to pole E. Service wires will be drawn from pole E to all three existing services, utilizing pole C as a WP supporting pole.
5. In the order of CGRF, in OP no. 18/2018-19/401 dated 29.09.2018, it was ordered to KSEB Ltd to collect only the labour portion of the estimate. The appellant was directed to remit an amount of Rs. 6,090.00.
6. The existing OH line was constructed with the consent of the appellant, to provide electric supply to his residence. (Con No: 1053). Now he wishes to shift the same for construction of a new house. As per Reg: 95 of the Supply Code 2014, the appellant has to remit the necessary labour charge for shifting the same.

**Analysis and findings:**

The hearing of the case was conducted on 31-12--2018, in the office of the State Electricity Ombudsman, Edappally, Kochi 24 and Sri T.S. Gayan, the appellant and Sri. Kenny Philip, Assistant Executive Engineer, Electrical Sub Division, Kalamassery were present and they have represented the sides of the Appellant and Respondent respectively. 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 issue referred in this appeal is with respect to shifting of existing OH line which creates obstruction to the construction of a new house in the compound of the appellant. The request is for shifting one number of LT pole. The appellant was directed to remit labour charges amounting to Rs. 6,090/- for shifting the OH line and pole from his property as ordered by the CGRF. The respondent submitted a sketch of the disputed location of the line and poles situated in the place for verification and this Authority inspected the site on 31-12-2018 in the presence of the appellant and the respondent. It is found the existing electric pole was erected in the appellant's property and OH line was drawn across the property with the consent of the appellant for providing electric supply to his residence. The appellant's grievance is that two other service connections were provided to the two nearby houses from the said OH line by erecting another electric pole in the compound of the nearby house. This grievance has no valid grounds as rules allows the licensee to use the service line and other apparatus to give supply to other consumers, if the supply to the consumer who has paid for such line and apparatus is not affected adversely. The appellant insisted to shift the pole from his property to the pathway having two feet width which may affect adversely the passage of about 2 families. The respondent has proposed a feasible location for erecting one pole to the extreme boundary of the appellant's property for shifting the OH line and to remove the pole from his property, but this proposal is not acceptable to the appellant.

The provisions under Regulation 95 of Supply Code, 2014 has to be adhered in the case of shifting of electric line, plant etc. If the Distribution Licensee (KSEB Limited) requires the shifting of the existing overhead line, stay wire etc, in the interest of safety and reliability of electric supply or in public interest, the licensee can initiate action but has to confirm that the parties likely to affect are informed or get their consent. So the primary duty of licensee was to ensure that, it must be done causing least inconvenience to the neighbouring property owners or the others who are likely to be affected by the action and it must be done without giving room for any complaint.

This Authority has found that the proposal submitted by the respondent is technically feasible and practically possible and the CGRF has also taken a decision approving the proposal submitted by the respondent on this issue. Regulation 95 (b) reads "(b) the owner of the land or his successor in interest

gives consent in writing to shift the electric line or electrical plant to any other portion of his land or to any other land owned by him; or any alternate right of way along any public path way available for shifting the electric line and the electrical plant.” The pathway near the boundary of the appellant is a private road having 2 feet width and erection of pole in this pathway is not technically feasible and also the consent of the nearby families is required.

The appellant’s request for shifting the OH line and electric pole at the expenses of the licensee is not allowable. As per regulation 95 (4) (c) of the Kerala Electricity Supply Code 2014, the appellant has to remit the labour charges for shifting the electric line or electrical plant.

**Decision:**

From the analysis done above and the conclusions arrived at, this Authority upheld the decision taken by the CGRF in OP No.18/2018-19 dated 29-09-2018. The appellant’s plea to waive the labour is also rejected.

The appeal is found devoid of any merits and hence dismissed. Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/087/2018/\_\_\_\_\_ / \_\_\_\_\_

Delivered to:

1. Sri Gayan T.S., Thilayaparambil House, Eloor East P.O., Udyogamandal, Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kalamassery, Ernakulam

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, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.