

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/091/2018
(Present: A.S. Dasappan)
Dated: 12th February 2019

Appellant : Smt. Pennamma Varghese
Beena bhavan, Thuravoor,
Cherthala, Alappuzha

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Pattanakkad,
Alappuzha

ORDER

Background of the Case:

The appellant having the domestic service connection bearing consumer number 1501 under Electrical Section, Kuthiathode had filed a complaint before the CGRF, Ernakulam requesting to shift the electric line drawn near to the roof of her residence which was shifted from the neighbour's property recently by the respondent. The CGRF, Ernakulam, dismissed the petition vide order No. 51/2018 dated 22-12-2018, as it is found that the existing two line cross arm in the electric post is replaced by four line cross arm and at present the horizontal and vertical clearance from the residence building is as per existing rules and regulations.

Aggrieved by the order of the CGRF, the appellant has submitted this appeal petition before this Forum.

Arguments of the appellant:

An electric line passing across the nearby property for the last 35 years was shifted to another route as requested by the property owner which leads to the line became very close to the aluminium roof of the appellant's building. Now the line is about 15 metre away from the building of the nearby property owner and close to the compound wall owned by the appellant. The newly erected post and stay are very near to a pond and every chance to fall above the house of the appellant. The erection of post and stay was done by the respondent without the knowledge of the appellant. It is requested to consider the subject favourably.

Arguments of the respondent:

The respondent shifted a single phase electric line passing through the property of Sri Babu B. Nair, Bhaskara Mandiram, Thuravoor to the boundary of his property as per the application dated 13-02-2018 and after remitting an amount of Rs. 24,239/- under deposit work on 20-03-2018. Later on 20-07-2018, Smt. Pennamma Varghese filed a complaint to the Assistant Engineer, Kuthiathode stating that there was no clearance between her house and the shifted line. Based on her complaint the “two line cross arm” in the pole was replaced with a “four line cross arm”. But the consumer again filed complaint before the Consumer Grievance Redressal Forum on 03-09-2018 and the Chairperson of the Forum visited the location under dispute. Hearing was also conducted on 02-11-2018 at CGRF, Kalamassery. As directed in the hearing, a spacer in the single phase line and a knee bracing have been provided and maintained statutory clearance between the line and the house of the consumer.

Analysis and Findings

The hearing of the case was conducted on 07-02-2019 in the office of the State Electricity Ombudsman, Edappally, Kochi. Smt Pennamma Varghese and Sri. Varghese, represented the appellant’s side and Smt. Letha S, Assistant Executive Engineer, Electrical Sub Division, Pattanakkad and Sri. Anwar, Electrical Section, Kuthiathode represented 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.

The dispute related to the newly inserted pole as a part of the shifting of the LT 2 wire line. The respondent inserted a pole near the appellant’s property from the property belongs to Sri. Babu B. Nair. The requirement of the appellant is to shift the location of the newly inserted pole to a distance of further 2 metres away the present location. But the respondent stated that the property owner Sri. Babu B. Nair is not willing to make deviation of the pole. As per the respondent, there is no inconvenience due to the line passing near the roof. The respondent also reported that slight variation of location of the stay was made along with making clearance by providing cross arms etc after filing petition. At present there is no unsafe position of pole, stay and line etc.

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.

The appellant informed to this Authority during the hearing that the appellant filed a petition before the District Magistrate and the same is pending there. At this juncture it is to be noted that, Clause 22 (d) of the Kerala State Electricity Regulatory Commission (CGRF and Electricity Ombudsman) Regulations, 2005, provides that “no representation to the Ombudsman shall lie in case where a representation for the same grievance by the complainant is pending in any proceedings before any Court, tribunal or arbitrator or any other authority or a decree or award or a final order has already been passed by any such Court, tribunal, arbitrator or authority”.

Hence the Appeal Petition filed by the appellant, need no further action at this Authority. In the light by the provision under 22(d) of KSERC Regulations 2005, which restricts the maintainability of the petition filed for the same cause of action and relief, the Appeal Petition filed by Smt. Pennamma Varghese is rejected.

Decision:

From the analysis done above and the conclusions arrived at, the appeal Petition No. P/091/2018 filed by the appellant stands dismissed as it is found not maintainable before this Authority. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/091/2018/_____ /Dated:_____

Delivered to:

1. Smt. Pennamma Varghese, Beena bhavan, Thuravoor, Cherthala, Alappuzha
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Pattanakkad, Alappuzha

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.