

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/025/2019  
(Present: A.S. Dasappan)  
Dated: 30<sup>th</sup> May 2019

Appellant : Sri. Sijo Jose  
Kolattukudy House,  
Manjapra P.O., Ernakulam

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Limited, Kalady,  
Ernakulam

### **ORDER**

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

The appellant is a consumer of KSEBL with consumer number 574 under the Electrical Section, Manjapra. The appellant complains that the respondent has cut and removed the trees in his property, without any notice, that caused heavy loss to him. The appellant requested compensation for the trees removed from his premises by the respondent. The appellant has sustained a loss of Rs. 50,000/-. Being aggrieved, the appellant filed petition before the CGRF, Ernakulam vide OP No.66/2018-19 and not satisfied by its decision on 16-03-2019 to dismiss the case, the appellant has filed this appeal petition.

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

The appellant is a consumer of KSEBL with Consumer No. 574. The staff of Electrical Section, Manjapra, KSEBL cut and removed 1 No. nutmeg tree and 2 Nos. of rubber trees without any knowledge or permission of the appellant, which created a loss of Rs 50,000/- to him. The appellant has given complaint on the subject to the Assistant Executive Engineer and Executive Engineer, but no action was taken by them.

In continuation, filed petition before CGRF and the Forum closed the petition with remarks that the trees were not cut and removed by KSEBL staff. The overseer Sri Babu has informed the appellant on 15<sup>th</sup> September that the trees were cut by KSEBL staff and there are witnesses for the tree cuttings. The request of the appellant is to initiate further action.

**Arguments of the Respondent:**

In order to restore electric supply to the agricultural connection of Sri Kanthi Prabhakaran with Consumer No. 1031 by rejoining the snapped conductors, certain trees standing in the property of the appellant were cut and removed. A portion of the three phase LT 4 wire electric line is passing through the property of the appellant and line snapped following natural calamity. The trees were planted by the appellant after the drawing of electric line 25 years ago. The fact of cutting the trees was intimated to Sri Sijo Jose, Kolattukudy House, Marygiri. The trees were cut and removed for the restoration of the supply as well as safety to the public. The appellant is not eligible for compensation as the action of KSEBL was a part of clearing the touchings and overhangings. The appellant has not made any request to shift the electric line passing through his property. Also any shifting of the electric line can be done at the beneficiary's expenses.

**Analysis and Findings: -**

The Hearing of the case was conducted on 16-05-2019 in the Office of the State Electricity Ombudsman, Edappally, Kochi. Sri Sijo Jose represented the appellant and argued the case on the lines stated above. Smt. Sheeba I, Assistant Executive Engineer, Electrical Sub Division, Kalady 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.

As per the appellant, three trees were cut and removed by the respondent without informing him or issuing any notice. Around 750 trees were planted in the property in the year of 2008 by the appellant. The line is drawn through the middle of the appellant's property. One number of nutmeg and two numbers of rubber trees having tapped for the last five years were cut and removed without his consent, which caused a loss of Rs. 50,000/-. The appellant has submitted certain photographs as evidence to prove his contention. The appellant has requested compensation for the loss occurred.

According to the respondent, only one pole is in the property of the appellant and the distance covered by the LT three phase 4 wire is around 60 metres. The date of connection given to Sri. Kanthi Prabhakaran is not known. The appellant has argued that the line was there at the time of planting trees in the property of the appellant. The trees were cut and removed for the restoration of the supply and the appellant is not eligible for compensation as the action of KSEBL was a part of clearing the touchings and overhangings.

It is found that the prior consent of the owner of the property was not obtained by the respondent before cuttings the trees. This is the main cause for the grievance of the appellant.

As per Regulation 7 of Kerala State Regulatory Commission (CGRF and Electricity Ombudsman) Regulations, 2005, the Consumer Grievance Redressal Forum and this Authority are allowed to take up any kind of grievance/complaints as defined in Regulation 2 (1)(f).

As per Regulation 2.1 (f) of Kerala State Regulatory Commission (CGRF and Electricity Ombudsman) Regulations, 2005, a Complaint means any grievance made by a complainant in writing on: -

- (i) defect or deficiency in electricity service provided by the licensee;
- (ii) unfair or restrictive trade practices of licensee in providing electricity services;
- (iii) charging of a price in excess of the price fixed by the Commission for supply of electricity and allied services;
- (iv) errors in billing;
- (v) erroneous disconnection of supply;
- (vi) electricity services which are unsafe or hazardous to public life in contravention of the provisions of any law or rule in force; or
- (vii) any other grievance connected with the supply of electricity by the licensee except those related to the following: (1) unauthorized use of electricity as provided under Section 126 of the Act; (2) offences and penalties as provided under Sections 135 to 139 of the Act and (3) accident in the distribution, supply or use of electricity under Section 161 of the Act.

This Authority is not competent to award compensation regarding land acquisition and tree cutting, as per rules. Since the reliefs requested on the above items not come under the purview of this Authority, these are not considered and not admitted.

**Decision:**

From the findings and conclusions arrived at as detailed above, I decide as follows.

The Appeal Petition filed by the appellant is rejected and stands disposed of as such. The appellant is free to approach the higher officers of the KSEBL for remedy of the grievance on compensation. As in the case of

shifting the line towards the border of the appellant's property, he can give the required application to the Section office and the respondent shall take proper action accordingly as per rules by collecting labour charges and considering technical feasibility of the shifting. Having concluded and decided as above it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/025/2019/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. Sijo Jose, Kolattukudy House, Manjapra P.O., Ernakulam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Kalady, 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.