

CONSUMER GRIEVANCE REDRESSAL FORUM

CENTRAL REGION

(Formed under Section 42(5) of the Electricity Act 2003)

220 kV Substation Compound, HMT Colony P.O. Kalamassery, Pin – 683 503
Phone No. 0484-2556500 Website: cgrf.kseb.in, Email: cgrf.ekm@gmail.com,
CUG No. 9496008719

Present

(1) Smt. Sheeba. P
 (2) Smt. Mini Francis

Chairperson
2nd Member

Petitioner

Smt. Shameena Araffudin,
 Kaniyamparambil House,
 West Veliyathunadu,
 Karumalloor, Aluva,
 Pin – 683 511

Respondent

- 1) The Assistant Executive Engineer,
 Kerala State Electricity Board Ltd,
 Electrical Sub Division,
 Vypin
- 2) The Assistant Engineer,
 Kerala State Electricity Board Ltd,
 Electrical Section, KSEBL,
 Vypin

No.CGRF-CR/OP No.20/2023-24

Date: 14-08-2023

ORDER

Background of the case:

The petitioner owns a land at Mulauvkad Village, Kanayanoor Taluk, Ernakulam which falls under the jurisdiction of the Electrical Section, Vypin. This property is located alongside a curved Panchayath road that leads from Mulauvkkad North to Bolgatty. The petitioner along with her husband has been residing abroad for employment since 2005. During the petitioner's visit to the land for the purpose of constructing a new house, they observed that a newly constructed electric line has been running through their property and due to the non-standard construction of the line and its connected electric posts, the line is gradually tilting towards their property. This situation also raises some safety

concerns. Recognizing that it will lead to an obstacle to their construction plans, they contacted the licensee with a request to realign the line back to its original position, thereby preventing further encroachment onto their property. Although the petitioner filed a complaint with the licensee, no positive steps have been taken by the respondent to address the issue. Consequently, the petitioner has turned to this Forum seeking decision in relocating the electric line to the original position.

Version of the Petitioner:-

The petitioner states that the property was lying vacant since 2005 as the petitioner and her husband were residing abroad for employment. The petitioner states that it was recently the petitioner noticed an overhead electric line is passing across a portion of the petitioner's property. The petitioner complains that the electric line was drawn without the knowledge and consent of the petitioner while the petitioner was abroad. The petitioner states that even though the electric posts are drawn outside the boundary wall of the petitioner, the lines are passing over the petitioner's property at the corner-curved area of their property. Now the petitioner is planning to construct a house in this property and to settle in this country. But this electric line passing through their property cause inconvenience and hardship towards the house construction. The petitioner argues that such a situation had arisen mainly due to a lack of additional post in between the existing electric posts that stands beside the curved boundary wall.

The petitioner states that apart from these issues, the electric post bearing number VN-BM-85 situated on the northeast end of the petitioner's property is dangerously slanting towards a residential house of Sri.Suresh K.S. bearing house No.V/217. The petitioner argues that the slanting position of this electric post bearing number VN-BM-85 had largely contributed to the intrusion of the electric line into the property of the petitioner. The petitioner further argues that if the electric post was left behind as such, there is a high rate of chance it may fall upon the neighboring house during heavy winds and rain thereby causing damage and destruction of life and property.

The petitioner states that on 05/01/2023, they submitted a request before the Deputy Chief Engineer, KSEB, Ernakulam, seeking to shift this overhead electric line. They also submitted detailed requests before the Assistant Engineer,

Electricity Section KSEB, Vypin, Assistant Executive Engineer, Sub Division, Vypin, Executive Engineer, Electrical Circle, Ernakulam, and the Panchayath Secretary, Mulauvkad Grama Panchayath, regarding this grievance. The petitioner complains that, without understanding the factual situation, the KSEBL had demanded exorbitant amounts from the petitioner to shift the electric lines from their property.

The petitioner states that they received an estimate for an amount of Rs.40,789/- in this regard from the office of the Assistant Engineer, Electrical Section Vypin. The petitioner suggests that if the electric post bearing No.V/BM/84 which slants dangerously towards a residential house gets erected properly and if the electric lines in the existing posts are shifted to its outer end of the cross arm, there is a possibility that the electric lines may stretch towards the boundary of the property. The petitioner assures that there will be no change to the existing alignment by doing so either. Thus the petitioner requests this Forum to shift the overhead electric line from their property and also to re-erect the electric post bearing no.VN-BM-85 so that it will not raise a threat to the house bearing No.V/217 belonging to Sri.Suresh K.S.

Subsequently, statement of facts was called for and the same was submitted by the respondent on 10-07-2023.

Version of the Respondent:-

The respondent states that the work was carried out under Dyuthi-1 Project during 2021. The respondent states that the petitioner submitted an application on 11-01-2023 for the realignment of the line to the Assistant Executive Engineer, Vypin and thus the respondent inspected the site. The respondent states that the HT ABC cable and LT lines were drawn along the eastern /southern side of the road i.e. along the western /northern boundary of the petitioner's property. The respondent even states that these electric lines will not cause any inconvenience for the construction of the building and only standard clearance from the road is sufficient. The respondent further states that these electric lines are drawn along the side of the road and because of the oval shape at the Northern end of the petitioner's property, a slight trace of electric lines along the northern boundary of

the property it there and it may be avoided during some maintenance/ rectification works. The respondent states that the slight tilting of the A-pole that was already erected, which was on a concrete plinth, is not in a dangerous condition. The respondent even states that these facts are already informed to the petitioner or their representative during their office visit. Meanwhile the petitioner might have snatched off/ unknowingly taken the rough estimate of works, which was not the actual estimate, from the office of the Assistant Engineer, Electrical Section, Vypin and has produced it before this Forum. Hence the respondent requested this Forum to dispose this case.

Analysis and findings:

Hearing was conducted at the chamber of the Chairperson, Consumer Grievance Redressal Forum, Ernakulam. The Forum afforded an opportunity to hear the Petitioner and the Respondent on 20-07-2023 and also conducted a site inspection on 04/08/2023. Both the petitioner and the respondent were present for hearing. Having examined the petition in detail and the statement of facts of the respondent, considering all the facts and circumstances in detail and perusing all the documents of both sides, the Forum comes to the following observations, conclusions and decisions thereof.

During the course of hearing, both the petitioner and the respondent reproduced their versions they had previously submitted before this Forum. The petitioner explained that the electric line had extended onto their property beyond its original position. This has happened because new Ariel Bunched Cables (ABC) were added to the existing electric poles. The non-standardized installation of ABC caused a nearby electric pole to slant dangerously and as a result, the electric line gradually moved towards the petitioner's property, going beyond what is acceptable.

In response, the respondent acknowledged that the electric pole had slanted slightly, but they assured that there is no risk of danger since the pole has been securely erected on a concrete foundation. The petitioner also mentioned that the original electric line used to run along with their boundary wall. However, the new ABC installation was done differently. The ABC was hooked onto the inner

side of the cross-arm on the electric pole, which caused it to enter their property. The petitioner noted that in all other places, the ABC was installed on the outer side of the cross arm of the electric poles. This combination of factors, including the unsafe slanting of the nearby electric pole, contributed significantly to this encroachment issue. The petitioner suggested that the actions of the officials of the licensee were deliberate. The petitioner mentioned that addressing these problems would bring about a significant improvement and relocating the electric line back to its previous position, nearer to the boundary of their property would enable them to construct a house with greater ease. Additionally, the petitioner asked this Forum to visit the location to better understand the actual situation.

The respondent explained that the installation of the Ariel Bunched Cables (ABC) on the existing A Pole was a part of their capital project work known as "Dyuthi-I" during the year 2021. They acknowledged that there was a minor trace of their lines along the northern boundary of the property, which they intend to correct through rectification work. However, the respondent noted that reconstructing the cable through the outer cross arm of the electric pole is not feasible due to the associated cost. This Forum recognized that a joint site inspection had not yet been carried out by both parties. Thus the respondent was instructed to conduct such an inspection in the petitioner's presence within a week. Following the instructions, the respondent conducted a joint site inspection in accordance with this Forum's guidance. However, they reported back that the solution proposed by the petitioner was not feasible technically.

During the site inspection conducted by this Forum on August 4, 2023, certain facts were established. The petitioner's complaint about the electric line crossing their land and the tilting of the nearby electric post was confirmed to be valid. The petitioner's plot is situated close to a curving road that surrounds two sides of their property. The disputed High Tension Aerial Bunched Cables (HT ABC) were installed by the licensee under their capital project work "Dyuthi I" during the year 2021. This project aimed to ensure uninterrupted electricity supply to the consumers in that area. The ABC was constructed upon the existing A pole, which also accommodates an HT (11kV) bare conductor and a Low Tension (LT)

Over Head (OH) bare conductor. The respondent explained that the 11 kV bare conductor had been remaining unused for many years and due to the inability to extend the existing 11 kV line to the substation, the new work was executed using 11 kV Under Ground (UG) cable and HT ABC.

This Forum noted that the officials of the Electrical Section, Vypin did not remove the 11 kV OHelectric line despite its disuse for years,even after the construction of the alternative overhead electric line (HT ABC) during 2021. This action by the officials of the licensee contradicts the Regulation 96 of the Kerala Electricity Supply Code, 2014, which is stated as follows:-

Regulation 96. Dismantling and removal of electric line or electrical plant which are not in use.-

“(1) The licensee shall dismantle and remove electric line or electrical plant constructed over, under, along, across, in or upon any land if the said electric line or electrical plant is not in use continuously for a period of one year or more.

(2) Such electric line or electrical plant shall be dismantled and removed by the officer in charge of the local office of the licensee within a period of three months from the date of completion of one year as mentioned in sub regulation (1).

(3) If the licensee has constructed alternate overhead electric line or underground cable or electrical plant to replace any existing electric line or electrical plant, such existing electric line or electrical plant which has consequently become redundant shall be removed by the officer in charge of the local office of the licensee within a period of three months from the date of commissioning of such alternate overhead electric line or underground cable or electrical plant.

(4) The licensee shall delegate necessary powers to the officers in charge of the local office to execute as per this regulation, the work relating to dismantling and removal of electric line or electrical plant which are not in use, with a view to avoiding consequent electrical accidents which may arise out of such unattended and unmaintained electric line or electrical plant.”

This Forum also noticed that when the new Ariel Bunched Cables (ABC) were being installed over the existing A pole, the licensee didn't consider the added weight that gets placed on the A pole. It was evident that the construction work was hurriedly executed to meet the capital work target. The placement of the new ABC over the A Pole was in such a way that it passed entirely through the petitioner's property. The licensee failed to take into account that their construction would further encroach upon the petitioner's land. It appeared that the licensee adopted a self centered and unlawful approach, taking the advantage on the fact that the landowner was abroad.

This Forum also observed that during a previous instance of road widening, the existing lines along with the A Pole were shifted to their current position. Even then, the licensee didn't act fairly and encroached onto the petitioner's land, adjacent to both sides of the boundary wall. The petitioner didn't raise any objection at that time. However, the recent construction of the ABC within the petitioner's property became a source of concern, as it hindered the construction of their house.

Upon examination, this Forum identified that a fly stay was constructed to fix both the A poles of the northern side of the petitioner's compound. These fly stays were constructed without meeting the standard and caused one of the A Poles (situated near to the compound wall between the petitioner's and neighbour's property) to tilt towards the boundary of the petitioner's neighbour. This tilt increased the encroachment of the ABC onto the petitioner's property. The petitioner didn't have any issue with the construction of the ABC along their property's boundary.

During discussions at the site visit, this Forum instructed the respondent to come up with a solution that would rectify the issue while causing minimal inconvenience to the petitioner. They were also directed to promptly remove the unused 11 kV Overhead bare conductors. As a result, the respondent submitted an estimated cost of Rs.26,978/- before this Forum. This Forum views that such

expense is entirely attributed to the licensee's actions, which unjustly caused discomfort to the petitioner by allowing the ABC to pass over through their property. Considering the seriousness of the oversight by the licensee in this matter, this Forum concludes that there was a significant lapse in supervision. The cables were installed without proper supervision and care, leading to encroachment on the petitioner's property and to the slanting of an electric post. Therefore, this Forum views that the licensee must take corrective action at their own expense without delay. The electric lines should be realigned to minimize encroachment on petitioner's property and should rectify the slanting of the electric post.

DECISION:

Considering the above facts and circumstances, the Forum issues the following orders:-

- 1) The licensee shall promptly implement corrective measures. This necessitates repositioning the newly constructed Ariel Bunched Cables (ABC) so that they align closer to the petitioner's boundary wall. The objective is to minimize the encroachment onto the petitioner's property.**
- 2) Adequate stays or strut shall be installed for the A poles positioned along the boundary shared by the petitioner and their neighbour. This measure is essential for ensuring safety.**
- 3) The licensee is obligated to dismantle and remove the overhead lines that are not in use from the specified area without delay.**
- 4) All of these necessary actions must be undertaken within three months from the date of this Order, at the expense of the licensee.**
- 5) No costs ordered.**

The petitioner is at liberty to file appeal before the State Electricity Ombudsman, D.H. Road, Off shore Road Junction, Near Gandhi Square, Ernakulam, Pin – 682 016 (Ph: 0484 -2346488 , Mobile No. 8714356488) within 30 days of receipt of this order, if not satisfied with this decision.

Dated this 14th day of August 2023

Sd/-

Mini Francis
2nd Member
CGRF, Ernakulam

Sd/-

Smt. Sheeba. P
(CHAIRPERSON)
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.20/2023-24 Dated
Delivered to

Smt. Shameena Araffudin,
Kaniyamparambil House,
West Veliyathunadu,
Karumalloor, Aluva,
Pin – 683 511

Sd/-
CHAIRPERSON
(DEPUTY CHIEF ENGINEER)
CGRF-CR, KALAMASSERRY

Copy submitted to: 1) The Secretary, KSEBL, Vydhyuthi Bhavanam, Pattom,
Thiruvananthapuram.

“ 2 The Secretary, Kerala State Regulatory Commission,
KPFC Bhavanam, C.V Raman Pillai Road, Vellayambalam,
Thiruvananthapuram.

Copy to: - (1) The Deputy Chief Engineer, Electrical Circle, KSEBL,
Ernakulam
(2) The Executive Engineer, Electrical Division, KSEBL,
Mattanchery
(3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,
Vypin
(4) The Assistant Engineer, Electrical Section, Vypin