

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. Jayanthi. S
 (3) Sri. Biju Varghese

Chairperson
2nd Member
3rd Member

Petitioner

Sri. Joe Francis,
 Uruvath House,
 Jeevan Jyothi Road,
 Parappukara P.O., Trichur,
 Pin – 680 310

Respondent

The Assistant Executive Engineer,
 Kerala State Electricity Board Ltd,
 Electrical Sub Division,
 Karuvannur
 (Electrical Section, Parappukkara)

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No.CGRF-CR/OP No.101/2023-24

Date:17.04.2024.

ORDER

Background of the case:

The petitioner, Sri. Joe Francis is a consumer of the electrical section, Parappukarawith consumer number 1156419017028. The complaint concerns the unauthorized installation of a stay wire on the petitioner's property. The complaint was lodged with the section office on 28.11.2023, and subsequently, the petitioner received an estimate of Rs.12547/- Dissatisfied with this, the petitioner has submitted a petition to this Forum, seeking the removal of the stay wire at the licensee's expense.

Version of the Petitioner:-

The petitioner is a consumer under Electrical Section Parappookkara in domestic tariff with consumer number 1156419017028. The petitioner intended to construct a compound wall for this property. But the stay wire of electric pole installed in this property becomes an obstruction for this. The petitioner approached the Section officials and registered a complaint for removing the stay wire. The Section officials inspected the site and prepared an estimate for the work of removing the stay along with replacing the pole to nearest feasible place. The estimate was given to the petitioner. But the petitioner is not ready to pay for this. The petitioner insists that this work is to be done on the expense of licensee because the installation of stay wire was done without the consent of the property owner.

Version of the Respondent:-

The petitioner is a consumer under Electrical Section Parappookkara. A stay of an electric pole was installed in the property of the petitioner. The respondent says that in verification the stay was installed there about 40 years ago. Stay is necessary and unavoidable for this electric pole in which three phase 5 wire lines are drawn. So far, no objection to this stay has been raised from the side of petitioner. The respondent says that replacing of the stay is technically feasible and the stay can be replaced to any side of the boundary of the property along with replacing the pole.

On receiving the complaint of the petitioner on 28.11.2023 for removing the stay, the official in the section office inspected the site and prepared an estimate for this work. It amounts Rs.12547/-. It was intimated the petitioner. But to the petitioner, it is not acceptable and he is not ready to pay the estimate amount. The stand of respondent is that the petitioner who applied for this work of removing stay from the property is to pay the estimate amount to the licensee.

Analysis and findings:

Hearing along with site inspection was conducted at the site of petitioner on 09.04.2024 at 10 A.M. The Forum afforded an opportunity to hear the Petitioner and the Respondent. 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.

The petitioner, Sri. Joe Francis is a consumer of the electrical section, Parappukara with consumer number 1156419017028. The complaint concerns the unauthorized installation of a stay wire on the petitioner's property. The complaint was lodged with the section office on 28.11.2023, and subsequently, the petitioner received an estimate of Rs.12547/-.

During the hearing, the petitioner emphasized that the property in question was inherited, and the installation of the stay wire occurred without their consent. They argue that it's the licensee's responsibility to cover the cost of replacing the stay wire and are unwilling to pay the estimated amount for the replacement work.

On the other hand, the respondent highlights that the stay wire was installed about 40 years ago, and no objections were raised by the petitioner during this time. They stress the necessity of the stay wire for public safety and construction standards. While it's technically feasible to replace the stay wire to the corner of the petitioner's property if the electric pole is also replaced accordingly, the petitioner must cover the estimated cost for this work.

During the site inspection, the forum found no safety issues related to the presence of the stay wire on the petitioner's property. Considering the petitioner's lack of objections over more than two decades and the feasibility of replacing the electric pole along with the stay wire, this Forum rely on Regulation 95 of the Kerala Electricity Supply Code, 2014, for the execution of the work.

Regulation 95. Procedure for shifting electric line or electrical plant of the licensee.-

(1) The owner of the land or his successor in interest who has given right of way for the construction of an existing electric line or electrical plant over, under, along, across, in or upon the said land, may apply for shifting the electric line or electrical plant to any other portion of his land for genuine purposes.

(2) The application for shifting the electric line or electrical plant shall be submitted in the local office of the licensee.

(3) On receipt of the application the licensee shall inspect the site and assess the technical feasibility of the proposed shifting.

(4) The application for shifting an electric line or electrical plant shall be granted only if:-

(a) the proposed shifting is technically feasible; and

(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; and

(c) the applicant shall remit the labour charges and material charges required for shifting the electric line or electric plant as estimated by the licensee as per the cost data approved by the Commission from time to time in accordance with the Regulation 33 of the Kerala Electricity Supply Code, 2014.

(5) The licensee shall shift the electric line or electrical plant if the conditions specified in sub regulation (4) are complied with by the applicant.

DECISION:

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

- 1. The licensee shall replace along with the pole and the stay wire according to the submitted sketch and estimate, if technically feasible, upon receipt of the estimate amount from the petitioner.**
- 2. No costs are 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 17th day of April 2024

Sd/-

Biju Varghese
3rd Member
CGRF, Ernakulam

Sd/-

Jayanthi.S
2nd Member
CGRF-CR, Ekm

Sd/-

Sheeba. P
(CHAIRPERSON)
CGRF-CR, Ernakulam

Endt. On CGRF-CR/OP No.101/2023-24 Dated
Delivered to

Sri. Joe Francis,
Uruvath House,
JeevanJyothi Road,
Parappukara P.O., Trichur,
Pin – 680 310

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, Irinjalakuda
(2) The Executive Engineer, Electrical Division, KSEBL, Irinjalakuda
(3) The Assistant Executive Engineer, Electrical Sub Division KSEBL,
Karuvannur
(4) The Assistant Engineer, Electrical Section, Parappukkara