

**CONSUMER GRIEVANCE REDRESSAL FORUM
KERALA STATE ELECTRICITY BOARD LTD- SOUTHERN REGION
VYDYUTHI BHAVANAM, KOTTARAKKARA**

Present: 1. Smt.Laila.N.G, Deputy Chief Engineer, Chairperson
2. Sri. Rajeev.N Executive Engineer, Member II
3. Sri. M. Sabu, Advocate, Member III

Thursday 3rd August,2023

OP No.07/2023

Between

Petitioner: Sri. Joy John
Babu Sadanam
Thuruthikkara.P.O
Kunnathoor
Kollam

And

Respondents : (1) The Assistant Executive Engineer
Electrical Sub Division, Ezhamkulam

(2) The Assistant Engineer,
Electrical Section,Kadambanad

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under Electrical Section, Kadampanad. The petitioner alleged that a complaint has been registered as OP No.105/2019 in the Forum and as per the order of the Hon'ble Additional District Magistrate,Kollam made an inquiry and issued an order. According to this order the posts along with the service line should be completely removed from the petitioner's property and a new line should be drawn as per the new sketch provided. The licensee then issued a demand note amounting to Rs.43,268/- towards the cost of shifting the line. The petitioner contented that his actual demand is to remove the posts that cause hindrance to the use of his homestead and the action of the respondent by issuing a demand note to pay the shifting charges for replacing the post, without properly understanding his demand , is illegal and contrary to justice, that he has not been a beneficiary who needed the electric connection from the replacing post. In order to redress the complaint the petitioner again approached the Forum.

2. Version of the respondent

According to the respondent a 199 meter service line was installed to provide electricity connection to Sri. P.V. Shiju, Pulivila Veettil, Thuruthikkara under the complete electrification scheme in 2017. The said route was chosen by the local authorities of Kadambanad Electrical Section on the basis of the on-the-spot survey conducted by the local residents including Sri. Shiju. The posts were placed on the electrified walk way as it was commonly used by the nearby residents.

As the overhead service line also passed through the property owned by Sri. Joy Johnson, Thuruthikkara and the electricity posts placed on the walk way also cause obstruction to the use of the footpath by the petitioner. The Hon'ble Additional District Magistrate, Kollam passed an order to resolve the dispute raised by the petitioner demanding that the line and posts are completely be shifted from there. According to this order, the licensee is directed for the complete replacement of the electricity posts and service line installed on the properties of the Sri. Joy John and Smt. Asha and thereby install a 40 m weather proof line from the existing line on the Panchayath road on the western side of the petitioner's property. Rs.43,268/- is estimated for the implementation of the proposed shifting and the demand note was issued to the petitioner, but he has not paid the estimated amount.

During the on site inspection, it was found that owners of the property that have to cross the newly proposed service line (Sri. Joseph, Smt. Ammini, Sri. Manikuttan & Sri. Balakrishnan) also been opposed to the relocation of the service line through their properties.

3 Analysis and Findings

The hearing was conducted on 30/03/2023. Both the petitioner and respondent were present and the Forum heard the matter in detail.

On going through the petition and other documents in the file the forum viewed that the case is with regard to the shifting of posts and service line from the petitioner's property which were installed there without seeking his knowledge or consent. The petitioner alleged that the respondent did not comply with the order issued by the Hon'ble Additional District Magistrate, Kollam regarding the complete replacement of posts and service line from the property. He is also aggrieved by the issuance of demand note for the

shifting charges by the licensee required for replacing the post and service line which causes obstruction on the pathway to his property.

According to the respondent the service line and posts were placed there for providing service connection to Sri. P.V. Shiju as a part of Total Electrification Scheme in 2017 and an estimate amounting to Rs.43,268/- was prepared and issued to the petitioner for shifting the posts and service line according to the newly proposed sketch by the Hon'ble Additional District Magistrate.

The Forum viewed that in this instant case the disputed posts were placed by the licensee for providing service connection to Sri. Shiju as a part of Total Electrification Scheme in 2017 . The Forum had issued an order to the petitioner to approach the Hon'ble Additional District Magistrate for suitable orders in this regard. Thereafter as per the order of the Hon'ble Additional District Magistrate a revised sketch and new estimate was prepared by the licensee in accordance with Regulation.95 of Kerala Electricity Supply Code, 2014. During site inspection conducted by the Forum and also from the version filed by the respondent, the Forum realized that the new proposal have been objected by the owners of properties near the proposed alignment .

Regarding the shifting of electric lines and other installations of the licensee Section 17 of Indian Telegraph Act,1885 stipulates the following.

17. Removal or alteration of telegraph line or post on property other than that of a local authority.—(1) When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control or management of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telegraph authority to remove or alter the line or post accordingly: Provided that, if compensation has been paid under section 10, clause (d), he shall, when making the requisition, tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration, or half of the amount paid as compensation, whichever may be the smaller sum.

(2) If the telegraph authority omits to comply with the requisition, the person making it may apply to the District Magistrate within whose jurisdiction the property is situate to order the removal or alteration.

(3) A District Magistrate receiving an application under sub-section (2) may, in his discretion, reject the same or make an order, absolutely or subject to conditions, for the removal of the telegraph line or post to any other part of the property or to a higher or lower level or for the alteration of its form; and the order so made shall be final.

In this instant case the Hon'ble Additional District Magistrate has issued orders to shift the line and posts from the property of the petitioner. Since the service line and posts were placed without seeking the consent of the petitioner, the respondent is liable to carry out the work of the proposed shifting at the cost of the licensee.

Decision

Considering the above facts and circumstances of the case the Forum disposed the case with the following orders.

1. Since the disputed service line and posts were placed by the licensee without the consent of the petitioner, the licensee is liable to shift the said line, posts and other installations from the property of the petitioner at the cost of the licensee. The respondent is directed to cancel the demand note issued in this regard.
2. In case of any objection raised for drawing service line as per the sketch approved by Hon'ble Additional District Magistrate, the respondent shall approach the Hon'ble Additional District Magistrate for the resolution of the dispute.
3. No order as to cost.

If the petitioner is not satisfied with the above order of this Forum, he is at liberty to prefer appeal before the Electricity Ombudsman within 30 days from the date of receipt of this order.

The address of the Electricity Ombudsman is furnished below.

'The State Electricity Ombudsman, D.H & Foreshore Road Junction, Near Gandhi Square, Ernakulam, Kerala - 682 016. Phone: 0484 2346488'.

Sd/-

M. SABU

ADVOCATE
MEMBER III

Sd/-

RAJEEV.N

EXECUTIVE ENGINEER
MEMBER II

Sd/-

LAILA.N.G

DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.07/2023/ 141

Dated :07/ 08/2023

Delivered to:

1. Sri. Joy John, Babu Sadanam ,Thuruthikkara.P.O Kunnathoor Kollam
2. The Assistant Executive Engineer, Electrical Sub Division, Ezhamkulam
3. The Assistant Engineer, Electrical Section,Kadambanad

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam, TVPM.
- 2.The Deputy Chief Engineer, Electrical Circle, Pathanamthitta
- 3.The Executive Engineer, Electrical Division, Adoor.