

**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

Friday 30th June,2023

OP No.8/2023

Between

Petitioner: Sri. Varghese T John
Thattaruparambil House
Mammoodu P.O.
Changanacherry.

And

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

(2) The Assistant Engineer
Electrical Section, Thengana.

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under Electrical Section, Thengana bearing Consumer No.1146384012167. He complains that a service connection was effected without his consent or knowledge to the neighboring house from the post (No.TK 121/1) which had been installed at his cost, in his property. He made several complains to the licensee but no action has been taken in this connection. So he prays the Forum to issue orders for detaching the service wire connected from the post No.TK 121/1.

2. The Version of the respondent

The petitioner is a consumer under Electrical Section, Thengana. Service connection to the petitioner's premises was provided in the year 2000 by installing an 8 meter PSC pole on the boundary his property. Another electric connection, bearing consumer No.9186 was provided to the neighboring house by drawing 5 meter weather proof cable from the same pole located on the boundary of their property. The single phase connection

to the said premises was effected 20 years ago for domestic purpose. This connection was provided through the shortest feasible route without crossing petitioner's property. Section 10 of the Indian Telegraph Act 1885 empowers the licensee to place and maintain electric lines/poles over any immovable property. The service wire does not cross the property and hence does not cause any inconvenience to the petitioner.

Therefore consent of petitioner is not required for drawing cable from the utility pole. The fact was also informed to the petitioner when he approached office of the respondent with the subject complaint. The KSEBL has followed the regulations as per the Indian Telegraph Act 1885 and therefore has not caused any inconvenience to the petitioner . Hence the respondent prays the Forum to dismiss the petition.

3 Analysis and Findings

The hearing was conducted on 09.05.2023. Both the petitioner and the respondent were present and 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 detachment of service connection of the neighboring premises from the post placed in the property of the petitioner.

The petitioner contented that the service line to the nearby premises is drawn from the post bearing No.TK121/1 which had been placed in his property at his own expense. The petitioner argues that since the service line from the pole is drawn by the licensee without his consent, the same to be detached at the earliest. The respondent stated that the disputed service wire is not crossing the property of the petitioner and thereby does not cause any inconvenience to the petitioner.

According to the petitioner he has incurred the expenses required for placing the electric pole, hence weatherproof service wire to the neighboring premises is to be detached from the said pole. Regarding the installation of any electric line or electric plant by the licensee, Section 10 of the Indian Telegraph Act, 1885 establishes its right to place and maintain an electric line under, over, along, or across, and posts in or upon, any immovable property. In the exercise of powers conferred by this section, the telegraph authority shall do as little damage as possible.

Moreover Regulation 24 of Kerala Electricity Supply Code, 2014 stipulates that

24. The service line, meter and associated equipment deemed to be the property of the licensee.-

(1) The whole of service line, meter and other associated equipment shall be deemed to be the property of the licensee and shall remain under his control so long as they are connected to the distribution system of the licensee.

(2) The licensee may use the service line and other apparatus to give supply to other consumers, if the supply to the consumer who has paid for such line and apparatus is not affected adversely:

Provided that the service line and other equipment of a consumer with a dedicated feeder shall not be used to supply power to another consumer.

3) Even if the supply to the consumer who has paid for the line or equipment is disconnected, for whatsoever reason, the consumer shall permit the licensee, continued access to the service line and other equipment if they are required to give supply to other consumers, until alternate arrangements are made by the licensee:

Provided that no payment shall be due to the consumer for such access or facility.

(4) The licensee shall make all possible efforts to provide alternate arrangement or mutually acceptable arrangement for continuation of the installation at the existing place, as early as possible.

From the above quoted regulation it is evident that the licensee has the right to use the pole and the service line even though the petitioner has incurred the expenses required for the installation of the same. In this case the Forum conducted a site inspection and pursuant to the inspection it was observed that the service wire to the nearby premises does not cross the property of the petitioner and no inconvenience is caused to the petitioner. Hence the petitioner's application to detach the weatherproof service wire can not be allowed by this Forum .

Decision

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

1. On conducting site inspection no inconvenience caused by the disputed weatherproof service wire was observed and hence the Forum finds it improper to interfere in the matter as there is no merit to the complaint.

2. 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.8/2023/ 106

Dated : 03/ 07/2023

Delivered to:

- 1.Sri. Varghese T John, Thattaruparambil House, Mammoodu P.O. Changanacherry, Kottayam.
2. The Assistant Executive Engineer, Electrical Sub Division, K.S.E. Board Ltd, Thengana.
3. The Assistant Engineer, Electrical Section, Thengana.

Copy to:

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