

**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. Pradeepkumar.R, Executive Engineer, Member II
3. Sri. M. Sabu, Advocate, Member III

Thursday 26th October,2023

OP No.22/2023

Between

Petitioner: Sri. Dileepkumar.R
Chithrapowrnami,
Kureepuzha.P.O., MNRA 12
Perinad, Kollam -691601

And

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

(2) The Assistant Engineer
Electrical Section, Perinad

ORDER

1. Grievance of the petitioner

The petitioner is a consumer of the licensee under the area of Electrical Section, Perinad, The petitioner owns 40 cents of property bearing survey number 74/25 at Kureepuzha Vadakkumbhagom under Thrikkadavoor Village Office. The petitioner is aggrieved by the action of the licensee by which a transformer has been placed in front of the property where the petitioner proposed to constrict a gateway to the property. The said transformer has been placed there encroaching the property without his knowledge or consent. The transformer causes obstruction to the construction of the gateway. If the electric pole on the southern side of the transformer is shifted to the northern side, it is possible to facilitate passage of vehicle to the property. Hence the petitioner prays for necessary orders.

2.. Version of the respondent

The petitioner is the owner of a property beside a Panchayat road from Kureepuzha Market to Thandekkad in front of which a distribution transformer of capacity 100 KVA has been placed. The transformer was placed in the present location in the year 2009. No part of the transformer is

placed either inside the property as on the boundary through which access to the property can be done easily. Hence the petitioner's argument that the transformer has been installed on the easiest and shortest pathway to the property is baseless.

The transformer has been installed beside the public road and not in the property of the petitioner. Hence the licensee was not bound to get consent from the petitioner to install the transformer in its present location.

In response to the application of the petitioner as per Right to Information Act, the Assistant Engineer, Electrical Section, Perinad, prepared and issued an estimate amounting to Rs.1,66,842/- for shifting the transformer for the convenience of the petitioner. But the petitioner did not express his willingness to remit the estimated cost of shifting the transformer. The licensee is ready to shift the transformer to a feasible place as and when the petitioner remits the amount as per the estimate. Hence the respondent prays the Forum to consider the facts and dismiss the petition.

3. Analysis and Findings

The Hearing was conducted on 13.06.2023. Both the petitioner and the respondent were present and heard the matter in detail.

On going through the petition, version filed by the respondent, and other relevant documents in the file, the forum viewed that the petition pertains to the shifting of a transformer of capacity 100 KVA has been placed by the licensee in front of the petitioner's property without seeking his consent.

The petitioner contented that the transformer has been placed in front of property by the licensee causes obstruction to the construction of the gateway and hindered the smooth passage of vehicles to the property.

According to the respondent the transformer has been installed beside the public road and not in the property of the petitioner. Hence the licensee was not bound to get consent from the petitioner to install the transformer in the public place.

The Forum inspected the site and pursuant to the inspection the Forum realized that the "100 KVA Thandekkad transformer" was installed there long time back in, June 2009, and the transformer did not encroached into the petitioner's property and it is found that the petitioner can access his property without any hindrance. Hence there is no need to change the

location of the transformer, since it keeps all standards regarding the safety and feasibility. However, if the petitioner wants to replace the transformer, then he shall pay the estimated amount towards the expenditure incurred for the relocation prepared by the licensee as per the regulation 95 of Kerala Electricity Supply Code 2014, the licensee will be found a technically feasible place and shift the transformer accordingly.

Regulation 95

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 remits the labour charges and material charges required for shifting the electric line or electrical plant as estimated by the licensee as per the cost data approved by the commission from the 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.

It is evident that in accordance with the aforementioned regulation, the beneficiary is bound to pay the required estimated amount prepared by the licensee to carryout the work .

4. Decision

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

1). The petitioner shall remit the required labour charges and material charges at prevailing rates as estimated by the respondent only if the petitioner desires to shift the transformer, and after the remittance of the required work deposit amount the respondent is directed to execute the work if it is technically feasible.

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/-
PRADEEPKUMAR.R
EXECUTIVE ENGINEER
MEMBER II

Sd/-
LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.22/2023/229

Dated :26/10/2023

Delivered to:

1. Sri. Dileepkumar.R, Chithrapowrnami,Kureepuzha.P.O., MNRA 12 Perinad, Kollam -691601
2. The Assistant Executive Engineer, Electrical Sub Division, K.S.E Board Ltd., Perinad
3. The Assistant Engineer, Electrical Section, Perinad

Copy to:

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