

**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. Sanjeev Koshi, Executive Engineer, Member II
3. Sri.C.K.Harikumar, Advocate, Member III

Saturday 30th September,2023

OP No.31/2022

Between

Petitioner: Sri. Sivasankaran.G
Peruvelil Veedu
Naduvilakkara
West Kallada (P.O)-691500

And

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

(2) The Assistant Engineer,
Electrical Section, Sasthamcottah

ORDER

1.Grievance of the petitioner.

The petitioner is a senior citizen and a domestic consumer under the area of Electrical Section Sasthamcottah bearing consumer No.1145735008610. The petitioner is aggrieved by the action of the respondent by drawing an LT overhead line across the property of the petitioner without seeking his consent. The petitioner alleged that the licensee has obtained an order from the Hon'ble Additional District Magistrate, Kollam for drawing the said overhead line through the petitioner's property by misapprehending that there is no alternate way to provide a new service connection to the nearby house owned by Sri. Harikumar. In order to divert the alignment of the said electric line through the property of the petitioner, his neighbours Sri. Bhaskara Pillai and Sri. Manoj intentionally shifted a post placed on the property of Sri. Gopinathan Pillai which had been placed there for providing service connection to an aluminium factory. The petitioner filed complaint at the office of the respondent on 09/12/2008 and at the Electrical Circle Office, Kollam on 10/12/2008 against the shifting of post. On 03/01/2023 the petitioner filed another complaint regarding this shifting of the post to the Vigilance Officer, KSEB but in vain. The petitioner was a 75 year old physically challenged person, who had been

included in the list of impoverished families under West Kallada Gramapanchayath. Realizing the deplorable condition of petitioner's house, the representatives of the Grama Panchayath agreed to undertake the renovation works of his damaged house but due to the dispute regarding the overhead line ,they were holding back. The petitioner contended that the overhead line which had been drawn across his property for providing service connection to his neighbours, Sri.Harikumar and Sri.Praveen is causing much inconvenience to him. The line can be shifted from the property by drawing 115 meters of overhead line in another route in order to effect service connection to the above mentioned two consumers.

Again the petitioner has given complaint to the Executive Engineer, Electrical Division, Karunagappally on 03/01/2023. In reply to this complaint, the service connection of Sri. Gopala Pillai only has been mentioned. Another connection has been provided to the residence of Sri.Praveen, brother to Sri. Manoj,an Assistant Executive Engineer working in KSEB Ltd. The Executive Engineer has issued an estimate amounting to Rs.1,31,728/- for shifting the disputed line from the property by installing 13 posts and other allied materials. Cost of the existing post and line was not deducted from the estimated amount of drawing the realigned line. The petitioner prays the Forum to inspect the site and issue orders to shift the LT overhead line drawn across his property and realign the LT line through the property of the consumers, bearing consumer numbers 21775 and 27159 who are the beneficiaries of the line.

2. Version of the Respondent

Based on the complaint of the petitioner, the respondent inspected the site and perceived that the overhead line was drawn through the property of the petitioner for providing service connection to his neighbour Sri. Harikumar, as per the order of the Honorable Additional District Magistrate, Kollam. The electricity connection has been provided to the premises of Sri. Harikumar, by drawing 28 meters of weather proof line and 38 meters of over head line through the property of the petitioner. The petitioner had filed complaint to the Chief Vigilance Officer, KSEBLtd and to the Executive Engineer, Electrical Division, Karunagappally regarding this. The Vigilance Officer and the Executive Engineer had given letters seeking detailed report on the complaint. As per the complaint the petitioner's requisition was to shift the over head line drawn through his property and to provide electric connection to Sri. Harikumar by drawing electric line through the

pathway sanctioned to him by Court Order (OS.NO.362/2009). Hence an estimate of expenses required for the replacement of the line was prepared. During site inspection Sri. Harikumar informed the respondent that, since the pathway is only 80 cm wide, If the posts are placed on the pathway, the pathway would be obstructed. If the electric line to Sri.Harikumar's residence is to be rerouted through the road , 115 meters of overhead line and 28 meters of weather proof line to be placed afresh.

Based on that report an estimate amounting to Rs.1,31,738/- and a route map were prepared and issued to the petitioner. Thereon the petitioner approached the Hon'ble Additional District Magistrate, Kollam for redressal. Meanwhile the petitioner submitted an application to the respondent as per the Right to Information Act. The petitioner was informed that the documents required by him were not available, as the office has been shifted 4 times during this period and there is possibility that the documents pertaining to the period, 13 years back,might have lost.

During the site inspection conducted by the respondent, it was realized that the petitioner has passed away due to illness. The respondent prays the Forum to dismiss the petition considering the fact that the overhead line mentioned in the complaint has been drawn as per the order of the Hon'ble Additional District Magistrate, and this matter is currently under the consideration of the Hon'ble Additional District Magistrate .

3 Analysis and Findings

The Hearing of the case was conducted on 17/08/2023 . Both the petitioner's nominee and the respondent were present and the Forum heard the matter in detail . The petitioner's nominee has informed the Forum that the petitioner has passed away due to illness while the case was being considered by the Forum. The nominee of the petitioner, Smt.Anila.L has also informed that she is the successor to the petitioner and hence she requested the Forum to allow her to represent the petitioner for all further proceedings of the case in future.

On perusal of the documents in the file, the Forum viewed that the petition pertains to the removal of electric line placed by the licensee across the property owned by the petitioner. The petitioner in his petition, alleged that the respondent obtained an order from Hon'ble Additional District Magistrate , misapprehending that there is no alternate way to provide a new

service connection to the neighboring house and the licensee had drawn LT overhead line across the property in order to provide service connection to the nearby house. The said overhead line drawn across his property causes much inconvenience and adversely affects the normal utilization of the property including the renovation of the dilapidated house or even the transaction of the property.

The respondent stated that the disputed line has been drawn as per the order of Hon'ble Additional District Magistrate. An estimate amounting to Rs. 1,31,738/- has recently been prepared for shifting the disputed line and intimated to the petitioner to remit the amount for executing the work.

The Forum found that the disputed overhead line was drawn for the purpose of providing service connection to a nearby consumer through the property owned by the petitioner in accordance with the order of Hon'ble Additional District Magistrate, Kollam. In this instant case the petitioner informed the Forum that he was a physically challenged senior citizen who had been included by the West Kallada Grama Panchayath in the list of extremely poor families and he is financially incapable of remitting the estimated amount.

Sustainability of the Subject Case.

The petitioner has already filed a petition before the Hon'ble Additional District Magistrate, Kollam and a report in this connection has been sought by that authority from the respondent.

Section 164, of the Electricity Act 2003 states about the application of Indian Telegraph Act, 1885 in certain cases such as placing of electric lines or electrical plant for the distribution of electricity or for the purpose of telephonic or telegraphic communications. Section 10 (d) of the Indian Telegraphic Act, 1885 states as *In the exercise of the powers conferred by this section the telegraph authority shall do as little damage as possible and when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons for any damage sustained by them by reason of the exercise of those powers". The Section 16 (1) of Indian Telegraph Act 1885 further states that " If the exercise of the powers mentioned in Section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may in his discretion, order that the telegraph authority shall be permitted to exercise them".*

The section 17 of Indian Telegraph Act 1885 mentions about the removal or alteration of telegraph line or post on property other than that of a local authority.

Section 17(2) states that "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.

The Forum found that the petitioner who had been included in the list of impoverished families under West Kallada Grama Panchayath, is incapable of remitting the exorbitant estimated amount prepared by the licensee. It is also learnt that the petitioner has passed away while the case has been under the consideration of the Forum.

Installations of the licensee are to be made in such a way that the inconvenience caused by them shall be minimized to the maximum extend possible. The overhead line drawn across the petitioner's property causes inconvenience to the normal utilization of the property. However when dispute arise with regard to the shifting of the installations, the Hon'ble Additional District Magistrate is the authority to settle the dispute as envisaged in section 17 (2) of the Indian Telegraph Act, 1885. Hence the Forum is of the view that the petitioner's successor is at liberty to approach the Hon'ble Additional District Magistrate for the settlement of the dispute.

Decision

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

- 1.The complaint is related to the removal of LT over headline drawn by the licensee, across the property of the petitioner and there exists dispute regarding the shifting of the installations. As the matter is currently under the consideration of the Hon'ble Additional District Magistrate,Kollam, the Forum abstain from taking a decision with regard to the dispute.
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.

he 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/-

C.K.HARIKUMAR
ADVOCATE
MEMBER III

Sd/-

SANJEEV KOSHI
EXECUTIVE ENGINEER
MEMBER II

Sd/-

LAILA.N.G
DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.31/2023/ 211

Dated :30/09/2023

Delivered to:

1. Sri. Sivasankaran.G,Peruvelil Veedu,Naduvilakkara,West Kallada (P.O) PIN-601500.
2. The Assistant Executive Engineer, Electrical Sub Division, K.S.E.B.L Sasthamcotta.
3. The Assistant Engineer, Electrical Section,Sasthamcotta,

Copy to:-

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

Office: CGRF(S), Vydyuthi Bhavanam, Kottarakkara, Pin - 691 506
Web site: cgrf.kseb.in E- mail: Cgrf.ktra@kseb.in, Phone: 0474 - 2451300