

**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

Monday 27th November,2023

**RP No.59/2023
in OP No.12/2023**

Between

Petitioner: The Assistant Executive Engineer,
Electrical Sub Division,
KSEBL, Kaniyapuram.

And

Respondent: Subedhar Major Ashokkumar.T (Rtd),
Thiruvathira , Pachira, Pallippuram.P.O,
Thiruvananthapuram.

ORDER

1. Back ground of the Review petition

The review petition is filed by the respondent in OP No.12/2023 which was already decided and disposed by the Forum Vide Order dated 30.06.2023. The said original petition was with regard to the shifting of an overhead electric line passing through the property of the Subedhar Major Sri. Ashokkumar.T , The petitioner argued that he had lodged complaints at Electrical Section, Kaniyapuram several times.

He is an Ex-service man and during the period of leave when he came, he followed up the complaint by visiting the Section Office many times. But no action had been taken by the licensee.

2. Arguments of the Review petitioner

The respondent prepared an estimate amounting to Rs.26,718/- for executing the afore-mentioned work. The petitioner was not willing to pay the estimated amount. The Forum found that the disputed overhead electric line was drawn for the purpose of providing service connection to another BPL Consumer Smt. Lathakumari through the property owned by the petitioner. The

Forum conducted a site inspection and pursuant to the inspection it was observed that the line which passes over the property of the petitioner and is found in sagged condition due to long span & geographical condition near his residential building line can be shifted by inserting a pole on the pathway and providing a stay to the shifted pole and which will not cause any inconvenience to the petitioner or the nearby consumers at minimum cost so the Forum directed the respondent to do the shifting work at the risk and cost of the licensee ensuring all safety aspects.

2. Arguments of the Review petitioner

The respondent in OP.No.12/2023 prayed the Forum to review the Order, Vide a review petition bearing number RP 59/2023. The review petitioner stated that the CGRF had ordered to shift the electric line at risk and cost of the licensee in the order Vide OP No.12/2023. But for the last 12 years the respondent had not submitted any complaint about shifting of the line. So as per direction from Director (Distribution) Vide office order (DD,S, SCM & IT) No.1158/2023(LD 1/5880/2023) the Hon'ble Forum may please take necessary action to review the order.

3. Analysis and findings.

Hearing was conducted on 14/09/2023 both the petitioner and 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 review of the order issued in OP.No.12/2023 on 07/07/2023. The respondent informed that he is not willing to pay the estimate amount for shifting the line. He is an Ex-serviceman and during the period of leave when he came home, he followed up the complaint by visiting the Section Office many times. But no action had been taken by the licensee. The petitioner contented that the Respondent had not raised the demand during past 12 years after drawing the line and licensee could not bear the expenditure for the work. After contention by the petitioner the Forum observed that the case is maintainable. The Forum came to the conclusion during the site inspection that the overhead line can be shifted by inserting a pole on the pathway and providing a stay to the shifted pole and which will not cause any inconvenience to the respondent or the nearby consumers and thereby maintaining statutory safety clearance which will also ascertain minimum expenditure to the petitioner. Also section 10 of Indian Telegraph Act 1885 states that, the telegraph authority may from time

to time place and maintain a telegraph line the under, over along, or across, and posts in or upon any immovable property. Sub-Section 10 (d) further stipulates that, 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. The Forum viewed that there is no documents in possession with the respondent to prove that he had lodged complaint for the last 12 years. Also on site inspection it is understood that he has constructed a compound wall only after effecting the service connection . Also as per Regulation 95 (4C) of Kerala Electricity Supply code 2014 which stipulate that (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. The Forum is of the view that Licensee is obliged to maintain statutory clearance as per existing regulations (CEA regulation Measures Relating to safety and electric supply) and accordingly orders were issued. The safety aspects alone were considered in the original petition.

4. Decision

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

- (1) The petitioner is directed to adopt suitable measures for ensuring compliance of statutory regulations and safety at cost of petitioner.
- (2) If the respondent desires to shift the line rather than ensuring safety, the same may be carried out by licensee at risk and cost of respondent (beneficiary).
- (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/-	Sd/-	Sd/-
C .K.HARIKUMAR	SANJEEV KOSHI	LAILA.N.G
ADVOCATE MEMBER III	EXECUTIVE ENGINEER MEMBER II	DEPUTY CHIEF ENGINEER CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No.59/2023/ 278

Dated : 27/11/2023

Delivered to: 1. The Assistant Executive Engineer, Electrical Sub Division,
KSEBL, Kaniyapuram.
2. Subedhar Major Ashokkumar.T (Rtd), Thiruvathira ,
Pachira, Pallippuram.P.O, Thiruvananthapuram.
3. The Assistant Engineer, Electrical Section, Kaniyapuram.

Copy to:

1. The Secretary, KSERC, KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram.
2. The Deputy Chief Engineer, Electrical Circle, Thiruvananthapuram.
3. The Executive Engineer, Electrical Division, Kazhakkuttom