

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

Monday 13th May,2024

OP No.07/2024

Between

Petitioner: Sri. Rajasekharan
(Represented by his Power of Attorney
Holder Mohanan Pillai)
S/o Sukumara Pillai,
Sree Bhavan, Nadukunnam,
Chengamanad.P.O., Kottarakkara.

And

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

(2) The Assistant Engineer
Electrical Section, Chengamanad.

ORDER

1. Grievance of the petitioner

The petitioner is a consumer of Electrical Section, Chengamanad with consumer number 1145901004086. The subject petition pertains to the unauthorised installation of electric post by the licensee on the property owned by the petitioner. The petitioner argued that the aforementioned action carried out by the licensee is for providing an electrical connection to Prabha.R without obtaining his consent . Further he also alleged that some of the officials of the licensee has some vested interest in installing the LT post in his property. So he prays the Forum to remove the unauthorised LT post from his property and take disciplinary action against the officials responsible for the above said illegal action.

2. Version of the respondent

An application dated 07/01/2024 was submitted by fifth respondent Prabha.R before the Assistant Engineer Chengamanad for providing LT Service connection. Upon submitting his application, an estimate was prepared for constructing 43 m single phase 2 wire line from main road by providing three numbers 8 m PSC pole and one LT strut for Service connection. Observing all procedures and legal formalities the Service Connection was effected on 11/01/2024. Subsequently, a complaint was received from the petitioner that 3 post were inserted in his place without his consent. On enquiry with concerned officials, they stated that posts were inserted on the path way of the Smt Prabha.R and there was no boundary stones were seen as the place was entirely filled with red sand. Further, either in estimate preparation or on work execution, there was no objection raised by petitioner or his agent against the action of the Licensee.

On 03/02/2024 an inspection was conducted on the above said plot and found that red sand were removed and boundary stones are seen visible. Consequent on finding the mistake /error from the part of licensee, the contractor was instructed to remove the disputed poles from the property of the petitioner. Further, several attempts were made from Section office to convince the complainant and informed the proposal to shift the laid post from his place. However the petitioner strongly objected the action of redressing the grievance and demanded to disconnect the service connection effected to 5th respondent, Smt.R.Prabha until receiving a solution from legal Forum. Hence Licensee is not in a way to take further steps in this matter.

3 Analysis and Findings

The hearing of the case was conducted on 29/02/2024. Both the petitioner and respondent were present and heard the matter in detail. On perusing the petition, the counter of the respondent, the documents submitted, arguments during the hearing and considering the facts and

circumstances of the case, the Forum comes to the following findings and conclusions leading to the decision thereof.

The grievance of the petitioner is that the licensee has unauthorizedly installed electric post without their consent and knowledge. The requirement of the petitioner is to shift the post from the above said property. However, the Forum is of the view that the licensee can initiate action, but has to confirm that the parties likely to affect are informed or get consent. So the primary duty of the licensee is to ensure that their action for installation does not attract objection or causes the minimum disputes from others, who are likely to be affected by the erection of the post. Here the Forum found that the licensee should ensure proper supervision of work and ensure the delegated authority.

The Forum also acknowledged that the subject case was taken up with the Honorable Munsiff Court, Kottarakkara. As per clause 22 (d) of the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2005 provides that " Maintainability of the Complaint " No representation to CGRF shall lie (d) in case where a representation for the same grievance by the complaint is pending in any proceedings before any court, tribunal or arbitrator or any other authority or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority. Hence the Forum refrain from examining the details of the petition.

DECISION

1. The Forum decided to reject the petition filed by the petitioner, Since it is a land dispute case for giving service connection, the petitioner can approach appropriate authority.
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/-

C .K.HARIKUMAR

ADVOCATE
MEMBER III

Sd/-

SANJEEV KOSHY

EXECUTIVE ENGINEER
MEMBER II

Sd/-

LAILA.N.G

DEPUTY CHIEF ENGINEER
CHAIRPERSON

Forwarded

Sd/-

CHAIRPERSON
(DEPUTY CHIEF ENGINEER)

No: CGRF/KTR/OP No. 07/2024/ 139

Dated : 14 /05/2024

Delivered to:

1. Rajasekharan (Represented by his Power of Attorney Holder Mohanan Pillai) Sree Bhavan, Nadukunnam, Chengamanad.P.O., Kottarakkara.
2. The Assistant Executive Engineer, Electrical Sub Division, Kottarakkara. K.S.E. Board Ltd,
3. The Assistant Engineer, Electrical Section, Chengamanad.

Copy to:-

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