

**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

Friday 16th August,2024

OP No.31/2024

Between

Petitioner: Sri.B. Anilkumar
Vandanam, Kundayam.P.O.,
Pathanapuram.

And

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

(2) The Assistant Engineer,
Electrical Section, Vilakkudy.

ORDER

1. Grievance of the petitioner

The petitioner is a consumer under Vilakkudy Electrical Section bearing consumer No.22401. The petitioner is aggrieved due to the encroachment and erection of strut poles inside his property for supporting the Onamcode Distribution Transformer under Electrical Section, Vilakkudy. The petitioner lodged complaint to the officials of the licensee to remove the strut-poles from the property which installed there without his consent. Hence the petitioner approached the Forum for relief.

2. Version of the respondent

The petitioner, B. Anil kumar filed an application on 16/04/2024 for shifting the two strut poles that placed inside his property. The strut pole erected inside his property is for supporting the Onamcode Distribution transformer under Electrical section vilakkudy. The petitioner argued that the Distribution transformer mentioned in the complaint was installed during the year 2017 under DDUGJY scheme of central

Government for providing better voltage profile for the consumers in Onamcode area under Thalavoor Gramapanchayat..At that time, no stays or struts were provided inside the property of the complainant. But later due to the dangerous slanting of 11kv transformer,necessitated the licensee to erect two strut poles in the aforementioned property.

The licensee argued that the strut pole is inevitable and it is not technically possible to keep the transformer,without struts. Moreover it is dangerous and may cause accidents to the public and supply interruption. The retaining wall just behind the transformer needs to be strengthened for removing the struts. But rebuilding the retaining wall with the same width will not ensure safety of the transformer. During the demolition and reconstruction of the existing retaining wall in the same location with same dimension,the slanting of DP structure is high and hence it is unsafe. Therefore, the shifting of the transformer and removal of the two struts is technically possible only based on the availability of another suitable location close to the existing location. Further, he has to pay the estimate amount for the transformer DP shifting works as per the supply code 2014 section 95.

3 Analysis and Findings

The hearing was conducted on 27/06/2024. Both the petitioner and respondent were present and heard the matter in detail. After hearing the forum has conducted a site inspection on 06/07/2024. On site inspection, the Forum observed that the strut pole is placed by the licensee in such a way that it is blocked the frontage of the property, making the property unusable and the aforementioned action carried by the licensee is without the consent, of the petitioner. The respondent has failed to ensure that least inconvenience is caused to the property owner while installation is done. **This is a clear cut violation of Section 10 (d) of Indian Telegraph Act.** Therefore any impediment happening for the free entrance to the property of the petitioner shall be avoided.

The Forum also noticed some lapses from the part of licensee. The transformer installed site is not technically feasible and at the

installation itself an unsafe condition is existing there due to the terrain and location in the turning of the road and very close to the PWD retaining wall. Due to the insufficient technical planning of the officials of the licensee leads to an unsafe site condition and which necessitated to the installation of struts for avoiding the falling of double pole transformer structure. Therefore it is clear that even safety aspects were not properly considered, while installing DP structure in present location.

The respondent argues that the petitioner has to bear the expense of transformer DP shifting works, in the case where another suitable location is found. However the forum observed that the respondent has no right to direct the petitioner to bear the expenses on shifting as the strut poles was installed in the petitioner's property without his consent. Therefore the above said argument raised by the respondent will not stand, since the arguments have no legal validity.

In the case of voltage improvement works and installation of transformer, erection of DP structure is required. Normally the property owner to whom such erection of DP structure, poles will raise objection, unless the officials of the licensee acted in a sensible manner. If the location for erecting the DP structure were identified and finalized in consultation with the parties concerned, this sort of issue can be settled. Here in the case no intervention from the part of respondent is seen, which resulted for the whole issue. The forum is aware of the fact that the strut pole is inevitable as it avoids slanting of DP structure and at the same time the installation of strut pole creates much inconvenience to the petitioner also. So it is better to shift the transformer to another suitable location which caters technical and safety aspects.

DECISION

- (1) The respondent is directed to shift the transformer along with strut poles to a technically feasible location at the expense of licensee.
- (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.31/2024/ 224

Dated : 17/08/2024

Delivered to:

1. Sri.B. Anilkumar, Vandanam, Kundayam.P.O., Pathanapuram.
2. The Assistant Executive Engineer, Electrical Sub Division, Pathanapuram, K.S.E. Board Ltd,
3. The Assistant Engineer, Electrical Section, Vilakkudi

Copy to:-

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