

THE STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No. P/019/2025 (Present A. Chandrakumaran Nair) Dated: 13-05-2025

Appellant : Sri.Vijayan.M
Anaswara, Edakkad P.O,
Kozhikode - 673005

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSE Board Ltd,
West Hill, Kozhikode (dt)

ORDER

Background of the case

The appellant Shri.Vijayan is a resident of Edakkad, Kozhikode and a domestic consumer under electrical section, West Hill, Kozhikode,. There is a transformer and the structures in front of his house which was installed by the Licensee during 2007. The appellant has sent first complaint about the transformer installation only on 01/2024 which is after 17 years. The transformer and the structure is very close to his compound wall which is very much in convenience to him. The officials of the Licensee had inspected the site and the could not find any site closed to this. The Licensee has informed him to identify a suitable site to shift the transformer. The cost of shifting also is to be born by the appellant. The appellant requirement is to shift the transformer and the structure at the cost of the Licensee. The appellant had filed the petition to CGRF and CGRF issued order on 11/02/2025. This petition is filed as the appeal petition to the Order of the CGRF.

Arguments of the Appellant

The subject transformer was installed in the year 2007, in front of my residence, without my knowledge or my written permission. On many occasions the matter was brought to the notice of KSEB, Electrical Section,

West Hill, Kozhikode. Finally when there was no positive response, I contacted the Assistant Exe. Engineer (KSEB, West Hill, Kozhikode) over phone and appraised him of the matter and subsequently, a registered A-D letter dated 08-01-2024 was sent to the Assistant Exe.Engineer for which also I didn't receive a prompt reply. On my persistent enquiries, a reply dated 27.01.2024, was sent to us as a whats app message, No hard copy was sent to us. On 04/02/2025 the A.Ex.E concerned, from KSEB West Hill Kozhikode visited the spot. I explained everything in detail. He copied the whatsapp copy of letter dated 27/01/2024 to his mobile phone.

The respondent A.Ex.E KSEB, West Hill, Kozhikode states that the local community submitted various memorandum for installation of the subject transformer. No one approached us and was not a party to submission of these memorandums. The respondent admits that they have conducted search for shifting the transformer to some other suitable place and they could not identify a suitable location. If the installation of the subject transformer was in accordance with the prevailing norms, why they took efforts to relocate the Transformer?

The statements of facts filed by the respondent is contrary to the letter dated 27/01/2024 issued by the A.Ex.E, KSEB, West Hill, Kozhikode. Therefore, I humbly request the Hon'ble Ombudsman to reconsider the case and pass necessary orders in my favour.

Arguments of the Respondent

The petitioner has filed a complaint regarding the installation of a transformer in front of his residence. This installation, completed in 2007, was set up to address the issue of low voltage in the area, which had been raised by the local community through various memorandums. The area surrounding the installation is densely populated, making the transformer a necessary infrastructure to provide quality power to the residents. The petitioner claims that the transformer installation is causing hindrance to his property. However, the petitioner has failed to establish how this particular installation is creating problems to him. A field inspection of the premises in question was conducted by me to assess the situation. The inspection revealed that the installation does not cause any obstruction or hindrance to the petitioner or the public. The installation appears to be functioning as intended, without any apparent issues affecting the surrounding area or the petitioner's property.

As previously mentioned, the area is thickly populated, and the installation of this transformer was crucial to address the low voltage problems faced by the local community. The need for such infrastructure is evident to ensure the proper supply of electricity to all consumers in the area. The petitioner acknowledges in their complaint that the transformer was installed in 2007,

which means the cause of action occurred 17 years ago. Despite the considerable time that has passed since the installation, the petitioner is only now raising concerns about the issue, without presenting any evidence to justify the significant delay in filing the complaint. Based on the inspection and the facts available, it is clear that the installation of the transformer is not causing any hindrance to the petitioner or the public. The petitioner's complaint lacks full disclosure of relevant facts and seems to be based on unsubstantiated claims. The installation was necessary for the welfare of the local population, and there is no justification for its removal or alteration based on the current allegations.

Based on Section 24A of the Consumer protection Act 2019, I respectfully request that, this complaint shall not be entertained which state as follows:

24A. Limitation period.-- (1) The District Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed within two years from the date on which the cause of action has arisen. (2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (1), if the complainant satisfies the District Forum, the State Commission or the National Commission, as the case may be, that he had sufficient cause for not filing the complaint as this such period: Provided that no such complaint shall be entertained unless the National Commission, the State Commission or the District Forum, as the case may be, records its reasons for condoning such delay. Here no such satisfying reason has been pointed out by the petitioner. In light of these facts, I respectfully request the Hon'ble State Electricity Ombudsman to dismiss the case .based on Section 24A of the Consumer Protection Act 2019. This submission is made for further orders.

Analysis and findings

The hearing of the appeal petition was conducted on 29/04/2025 at 03:30 pm in the CGRF Court Hall, Vidyuthi Bhavanam, Kozhikode. The hearing was attended by the appellant Sri. Vijayan.M and the respondent Sri.Anand.T.M, Asst. Executive Engineer, Electrical Sub Division, KSE Board Ltd., West Hill, Kozhikode (DT).

Shri.Vijayan, the appellant of this petition is a domestic consumer under the Electrical Section West Hill Kozhikode. A distribution transformer was installed in the road side in front of his house due to regular complaint of the consumers of this area regarding the low voltage problems. The transformer was installed during 2007, in a two pole structure. This installation is very close to the compound wall of the appellant. There is no gap between the wall the installation and hence maintenance of compound wall such as painting etc. could not be done. The first request sent by him to Licensee is on 01/2024 which is after 17 years of the execution of the work. Considering the request of the appellant the officials of the Licensee had

inspected the site and found that there is no suitable space nearby to shift the transformer. The respondent also reported this installation is not creating any obstruction for the access to his house or any other way. The structure & the transformer is situated in a public land which is the side of the public road. The appellant's argument that the transformer was installed without his consent will not stand in this case as the transformer etc erected in a public place.

The Limitation Act 1963 states about the time limit by which a complaint could be raised. "The general Limitation period for filing a consumer complaint in India is two years from the date of cause of action arises. However the court can extend this period if the complainant demonstrates sufficient cause of the delay."

Here the appellant has not submit any document to justify this delay. He argue that he was employed in the bank and hence was not available in the house always. This is not a proper justification. The Consumer Protection Act 2019 Section 24 A also spelt about the Limitation period.

24 A. Limitation period (1) "The District Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed within 2 years from the date on which the cause of action has arisen."

The drawing of line, placement of installation through a public land is governed by the The Indian Telegraph Act 1885 Section 10 (c)

Section 10(c) *except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority.*

Installing the transformer etc in public land, the Licensee has to obtain the permission of local authority only. The Section 17 of the above act describes about the removal or alteration of telegraph line or post.

Section 17. Removal or alteration of telegraph line or post on property other than that of a local authority.

(1) When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control or management of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telegraph authority to remove or alter the line or post accordingly:

Provided that, if compensation has been paid under section 10, clause (d), he shall, when making the requisition, tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration, or half of the amount paid as compensation, whichever may be the smaller sum.

(2) 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 authority who has to take decision on such type of complaints are the District Magistrate of the concerned district. Hence this matter is to be taken up with the District Collector for the resolution. The appellant stated in the argument that the address of communication mentioned in the electricity bill is wrong. Instead of Edakkad P.O , Kozhikode, the bill shows that Edakkad, Kannur in Kannur district. This is seen to a serious mistake. Entering address of the consumer in the consumer profile of the billing software wrongly is not justifiable mistake. The Licensee has to examine this in detail and make necessary correction as per required. The Licensee has enquire and find out the responsible official and necessary action is to be taken.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The petition is not having any merit to consider and hence the petition is dismissed.
2. The appellant may approach the District Magistrate for the resolution of the complaint, if not satisfied with this order.
3. The Licensee shall examine the mistake in the consumer address and make necessary correction if required.
4. No other costs ordered.

ELECTRICITY OMBUDSMAN

No. P/019/2025/ dated: 13/05/2025.

Delivered to:

1. Sri. Vijayan. M, 73/2086, Anaswara, Edakkad P.O, Kozhikode(dt)
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, West Hill, Kozhikode (dt)

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Gandhi Road, Kozhikode- 673011.