

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/104/2015

(Present: Sri. V.V. Sathyarajan)

Dated: 19th August 2015

Appellant : Sri Abdul Azeez P.T.
Paramban Thalathil
Parammal,
Mavoor P.O.,
Kozhikode – 673661

Respondent : The Assistant Executive Engineer,
KSE Board Ltd,
Electrical Sub Division,
Kovoor
Kozhikode

ORDER

Background of the case

The appellant Sri Abdul Azeez P.T. is a consumer under Electrical Section, Mavoor with consumer No. 5603. The appellant owned a building having 3 shop rooms at Mavoor, Parammal which is located three meter away from Mavoor-Kozhikode main road. The appellant alleged that the proposed transformer to be shifted is situated at about 100 metres away from his premises. The proposed location is in front of the appellant's shops thereby obstructing the way to the stair case of his building.

The appellant approached the CGRF with a complaint seeking immediate steps to prevent the shifting of transformer by the respondent so as to avoid further hindrance to appellant's buildings. But the Forum found that the structure for installing the transformer has been erected in such a way that there was no obstruction to movement of men and material and general public thus ratifying the action of the respondent. Against the order of the Forum, the appellant filed this petition before this Authority.

Arguments of the appellant

The appellant contented that the existing transformer is kept in a vacant place where the traffic is less and the area now proposed is more crowded, and buildings, shops and educational institutions are functioning. Water logging in this area is common during rainy season. Further stated that there is no voltage problem in this

area as alleged and voltage problem area is about 800 metres away from appellant's premises.

The appellant also stated that he is a former employee of Gwalior Rayons, Mavoor and his only source of income is from these shops. He is at the age of 60 and due to health reasons he is unable to take up other jobs. The DP Structure erected is obstructing the way to the stair case of his building. There is a Madrassa functioning nearby it and about 300 students are studying there.

The appellant contented that there is no voltage problem in that area as alleged and the transformer can be kept in a safe manner at a distance of 70 metre from his premises. According to the appellant rearranging the LT feeder and balancing the load is better option than shifting the transformer treating as load centre. Considering the load growth of the existing transformer area, it is better to install a new transformer for solving the issue. But the respondents are trying to shift the transformer instead of proposing a new transformer and the above action is with ill motive. The transformer already exists in front of the land owned by a PWD contractor. Hence there is lack of transparency in the shifting work. All these facts were submitted before the Hon'ble CGRF and they were convinced but those arguments were not considered thereby denying justice.

In the argument note submitted by the appellant before this Authority, it is stated that the DP erected covered 90% of the shops front view. The DP erected without the fencing itself has blocked the free entrance to the stair case of the shop. It is further argued that since the appellant is running a two wheeler workshop in the building, the installation of transformer in the front of the shop may create some security threats to the shops. According to him, there are so many suitable places available in the nearby places of the locality for installation of the transformer.

Arguments of the respondent

The respondent argued that 100 kVA Parammal transformer has two feeders out of which one is feeding to the appellant's area. It is stated that a mass petition from the consumers of Parammal area regarding the frequent supply interruptions and voltage problems was received. On an inspection of that area, it is noted that the total load of the transformer was given in the LT feeder for Parammal side and transformer was not located in the load centre and the length of line is more. Hence it was decided to relocate the transformer to the Mavoor-Kozhikode Road where the 11 kV line passes through the Parammal Town. Since the consumers and the shop owners of Parammal Town are not cooperating with the shifting work, the DP Structure was shifted to the location under question after consultation with respective persons of that area. During the discussion conducted in the Grama Panchayath office regarding the shifting, the appellant was present but not raised any objection. The DP Structure now erected is at PWD road having a width of 3.1 metre and not affected the way to the appellant's building.

The respondent stated that due to the objection from the appellant's side the work could not be completed. The consumers of that area had again submitted a petition to the Assistant Engineer, Electrical Section, Mavoor to complete the work and to solve the voltage problem. The respondent submitted that as there is no other

suitable location available on the road side for installing the transformer and distributing the load more efficiently, sanction may kindly be given for installing the transformer at the proposed location.

Analysis and findings

The hearing of the case was conducted on 16-06-2015 in the Court Hall of CGRF, Kozhikode and Sri Abdul Azeez P.T., Paramban Thalathil House, Parammal, Mavoor appeared for the appellant's side and Smt. Maya P.V., Assistant Executive Engineer, Electrical Sub Division, Kovoor and Sri Devarajan K., Sub Engineer, Electrical Section, Mavoor appeared for the respondent's side. On examining the petition and the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following conclusions leading to the decision.

Apart from the assertions, the only contention raised by the respondent in this case is the non availability of suitable space for installing the transformer and the proposed location is found suitable since it is the load centre. At the same time the appellant argued that there is no voltage problem in that area and there is ample space for installing the transformer along the Mavoor-Kozhikode road and the proposal is with ill motive. On going through the documents and the arguments of both parties this Authority decided to appoint a Commission for conducting site inspection and to obtain a detailed report. So, this Authority has directed the Deputy Chief Engineer, Electrical Circle, Kozhikode to depute an Assistant Executive Engineer to inspect the site and report whether the proposed location is ideal and makes any inconvenience to the appellant and if so suggest suitable location avoiding further objections in this regard. Accordingly, Sri C.K. Jayakumar, Assistant Executive Engineer, Electrical Sub Division, Nadakkavu appointed as a Commission who conducted an inspection on 10-07-2015 and submitted his report to this Authority.

On going through the above report it can be seen that the DP erected in a distant place about 3.1 metres on the PWD road and away from the tarred area of the PWD road. As per REC Standards, fencing has to be constructed for the transformer station which will partly affect the appellant's building. The licensee has to follow the instructions issued by the Electrical Inspectorate, considering the safety aspects. Further it is reported that suitable locations for installing the transformer are available on the side of Kozhikode Mavoor road. For example, locations between MK 46 to MK 47, MK 36 and MK 37 are found less crowded and suitable for the shifting but objections from the neighbouring persons cannot be neglected.

A similar petition on the same issue has been received by this Authority and disposed vide appeal petition No. P-100/2015. While disposing the said appeal, it was ordered that the respondent has to find out a suitable location in consultation with the various consumer groups and the representatives of local bodies in order to settle the issue. In order to redress the grievances of consumers at Parammal, installation of a transformer is found necessary and the same is to be erected at the load centre. At the same time, it is the responsibility of the licensee to redress the grievances of appellant and the locals. Hence, any impediment happening for the free entrance to the building of the appellant shall be avoided.

Decision

In view of the above discussions this Authority feels that the voltage problem of the consumers at Parammal has to be redressed at any rate and the respondent is bound to carry out the work. Hence the respondent is directed to verify the locations proposed by the Commission and to take further steps to install a new transformer in any of the above locations rather than shifting.

Having concluded and decided as above it is ordered accordingly. The appeal is found having some merits and admitted. The order CGRF is set aside. No order as to costs.

ELECTRICITY OMBUDSMAN

No. P/104/2015/ _____ /Dated: _____

Forwarded to:

1. Sri Abdul Azeez P.T., Paramban Thalathil House, Parammal, Mavoor, Kozhikode 673661.
2. The Assistant Executive Engineer, KSE Board Ltd, Electrical Sub Division, Kovoov, Kozhikode

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, CV Raman Pillai Road, Thiruvananthapuram-10.
2. The Secretary, KSE B Ltd, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSEBoard Ltd, Gandhi Road, Kozhikode