

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024

www.keralaeo.org Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

APPEAL PETITION NO. P/117/2015

(Present: V.V. Sathyarajan)

Dated: 30th September 2015

Appellant : Sri Madhusoodhanan Pillai
Lathara House,
Pathiyoor Kizhakku,
Keerikkadu

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
Kayamkulam, KSE Board Ltd,
Alappuzha

ORDER**Background of the case:**

The appellant and the members of 12 other families residing in the location had raised complaint regarding the obstruction for the free conveyance due to the existence of two electric posts on their private road. On 10-10-2014, Sri Chandran Pillai, a complainant, (Consumer no.4637) had submitted an application at Electrical Section, Kayamkulam West for shifting the above electric posts for the smooth running of vehicles through the road. Accordingly the respondent had prepared an estimate for carrying out the work and the same was done on 24-11-2014. According to the appellant, the work was not executed as requested by them and they were not satisfied with the action of the respondent. Aggrieved by this, the appellant approached the CGRF, Central Region, Ernakulam by filing a petition on 04-02-15. The CGRF admitted the petition and issued an order dated 29-04-2015 directing the respondents to shift the post (KYB/BP/5) to a distance of minimum 1 metre to the east of the Pathiyoor-Bhagavathipadi road for obtaining sufficient turning space in the cross road to the petitioners location within 15 days from the date of receipt of this order. Still not satisfied with the decision of the CGRF, the appellant filed a petition before this Authority on 26-05-2015.

Arguments of the appellant

The contention of the appellant is that the CGRF has not considered the following arguments raised by the petitioner before the Chief Engineer, KSEBL, Vydhyuthibhavanam, Pattom.

1. The requirement is to shift the post 1 metre east of the road. But the post was shifted only 0.75 metre.
2. No action is seen taken against the Sub Engineer for the dereliction of duty and partiality which was pointed out in the petition.
3. No action is seen taken against the Assistant Engineer who demanded bribe and acted in vengeance because of non-payment of bribe.
4. Whether other feasible routes or proposal to carry out the work is available? This fact has not been examined.

Though the CGRF Chairperson visited the site, he has not contacted and discussed with the appellant and any of the complainants in the locality. The petition submitted to the Chief Engineer was also disposed by him by justifying the actions of the KSEB officials. The Enquiry Officer took a decision in the matter without giving an opportunity of hearing the petitioner. Hence the appellant and other affected families sustained much mental agony and financial loss due to the inactions of the respondent. The appellant's main request is to take proper disciplinary action against the concerned officers.

Arguments of the respondent

Sri Chandran Pillai Kizhakke Chakkalayil, Pathiyoor (Consumer No. 4637) had submitted an application at Electrical Section Kayamkulam West on 10-10-2014, for shifting of 2 electric posts for the smooth running of vehicles through the road. The appellant Sri Madhusoodhanan Pillai, Chandran Pillai and 12 other families in that location had conveyance problem in the road due to the existence of these electric posts. The work was completed on 24-11-2014. But the appellant was not satisfied with this work.

Sri Madhusoodhanan Pillai, Sri Chandran Pillai and 7 others had given a complaint to the Executive Engineer, Electrical Division, Haripad on 24-11-2014, against the action of Sub Engineer & Assistant Engineer. The petitioner, Madhusoodhanan Pillai alone had given a complaint before the Chief Engineer, Thiruvananthapuram on 25-11-2014 against the action of Sub Engineer & Assistant Engineer.

The decision of the Forum to shift the post (No. KYB/BP/5) to the east of Pathiyoor Bhagavathippadi road to a minimum distance of 1 metre for obtaining sufficient turning space in the cross road to the petitioner's location. As per the order of the Forum, the Assistant Engineer shifted the post to a distance of 1 metre to the east of the Pathiyoor Bhagavathippadi road obtaining sufficient turning space in the cross road to the appellant's location.

The respondent further stated that the Sub Engineer did not show any partiality or favouritism to anybody and there is no dereliction of duty on the part of the staff. The Sub Engineer or any other staff has no relationship with the owner of the adjacent property. The shifting of electric post (No. KYB/BP/5) was physically objected by the

adjacent property owner on 24-11-2014. Considering the objection from a lady, the particular post was shifted to 0.5 metre to the east of Pathiyoor Bhagavathippadi road. As per the order of Forum this post was again shifted to 1 metre to east side. Now there is no inconvenience to the traffic of vehicles through the road.

As per the complaint of the appellant an enquiry was conducted by the Vigilance Wing of the Kerala State Electricity Board Limited against the Assistant Engineer & Sub Engineer. But the allegations against them were not proved. The applicants or appellant could not produce necessary consent from the adjacent property owner for erecting stay wires. Also there is objection from adjacent property owner in shifting the alignment of LT Line, to the entrance of their property. Due to the objection from adjacent property owners, there were no other feasible routes or proposal to carry out the work. So there was no other possibility to reduce the estimate cost also. The above details were already informed to the appellant and others.

The Chairperson, CGRF (Central) himself conducted an enquiry at site and discussed with other consumers of the locality. The appellant, Sri Madhusoodhanan Pillai was not present in his house during the time. Further the KSEB Limited conducted a detailed enquiry regarding the allegations against the Assistant Engineer & Sub Engineer of Electrical Section, Kayamkulam West. But the allegations were not proved. The appellant also could not produce any evidence before the Vigilance Wing. The work was completed as per a transparent estimate, which was satisfied by the applicant and hence the question of bribe or remuneration does not exist.

The respondent's contention is that there was no loss either occurred to the appellant or to the other consumers due to the actions of the staff or Officers of Kerala State Electricity Board Limited. The reason for the complaint was the outcome of the objection from the nearest property owner in erecting the post and stay in front of her property.

Analysis and findings

A hearing of the case was conducted in my chamber at Edappally, Ernakulam, on 20-08-2015. Sri G. Madhusoodhanan Pillai appeared for the appellant's side and Sri Harikumar C, Assistant Executive Engineer, Electrical Sub Division, Kayamkulam represented the respondent's side. Both sides have presented their arguments on the lines as stated above.

The brief facts and circumstances of the case that led to filing of the petition before this Authority are narrated above. On examining the petition of the appellant, the statement of facts filed by the respondent, the arguments in the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

On going through the records it can be seen that an estimate amounting to Rs. 25,640.00 towards the material cost and an amount of Rs. 13,902.00 for the labour portion has been prepared by the Assistant Engineer, Electrical Section, Kayamkulam West for rearrangement of LT Single Phase line as per the request of Sri Chandran Pillai, Kizhakke Chakkalayil Veedu, Pathiyoor East. The appellant remitted an amount of

Rs. 25,640.00 in the Section Office and agreed to hand over an amount of Rs. 13,902.00 towards the labour portion to the contractor. Accordingly the work was started on 20-11-2014. But the work could not be continued due to the objection from a lady on 24-11-2014. The appellant contented that the respondent has not sought any assistance from Police Department in order to clear the objection and thus failed to carry out the work timely.

With regard to the shifting of electric line, either the applicant or the beneficiaries shall submit an application in the Section Office. On receipt of such application, the licensee shall inspect the site and assess the technical feasibility of the proposed shifting. Sanction for shifting the line shall be granted only if the proposed shifting is technically feasible and the applicant remits the required charges for the shifting work. The licensee shall shift the line or electrical plant if the conditions specified in the Regulation 95(4) of Supply Code, 2014 are complied with by the applicant. Here in this case it is doubtful that an inspection was conducted by the respondent before issuing sanction for the work.

On a perusal of the sanctioned estimate for this work, it is revealed that the respondent had collected application fee, processing fee etc from the applicant only on 10-11-2014, even though the request was made on 10-10-2014, which proves the lethargy on the side of officers of the respondent. If the application fee and processing fee could have been collected on the date of application i.e. on 10-10-2014, the appellant could have got the priority with effect from 10-10-2014. It is also pertinent to note that the study of technical feasibility of the requested line shifting before depositing the amount by the applicant is not seen properly done. Once the technical feasibility is confirmed, the respondent can collect the work deposit amount from the applicant. If at all any objection as alleged by the respondent in placing the electric posts, it could have asked the appellant to get the consent of the nearby property owner before issuing sanction for the work. If the locations of the posts were marked before preparing the estimate further dispute in this matter could have been avoided while executing the work. This was not seen done in this case.

This type of Work Scheme work is meant for the benefit of beneficiary and the KSE Board is not placing any priority on these types of works. So the respondent could have taken proper steps to study the feasibility, obtaining the consent if required etc before starting the work so as to avoid any complications in the matter. Here in this case the respondent failed to observe the procedure while implementing Work Deposit Scheme.

The respondent stated that the post was shifted to a distance of 1 metre to the east side for obtaining sufficient turning space in the road as suggested by the Forum. But the appellant argued that the post was shifted only to a distance of 0.75 metre. Hence it is essential to ascertain the genuineness of the above arguments. Hence the Assistant Executive Engineer, Electrical Sub Division, Kayamkulam is directed to inspect the site and ensure that order of the Forum dated: 29-04-2015 is properly implemented.

Regarding the allegations against the KSEB officers and for taking disciplinary action against them, this Authority has no jurisdiction to entertain such matters. The

only remedy available for the appellant is to approach the authorities of KSEB Limited if so advised.

Decision

In view of the above discussions it is concluded that if at all any inconvenience caused to the appellant and other families it is because of the lapses on the part of responsible officers of the licensee in adopting proper procedure in implementing the Work Deposit Amount scheme. The disciplinary action requested by the appellant against the officers of the respondent is vested with the KSE Board Limited. This Authority is not empowered to initiate any action against the officers of the respondent. The appellant can approach appropriate authorities for redressing his grievance in this regard.

The Assistant Executive Engineer, Electrical Sub Division, Kayamkulam is hereby directed to inspect the site and ensure the order of the Forum is properly implemented. Having concluded and decided as above, it is ordered accordingly. No order as to costs.

ELECTRICITY OMBUDSMAN

P/117/2015/_____ /Dated:_____

Delivered to:

1. Sri Madhusoodhanan Pillai, Lathara House, Pathiyoor Kizhakku, Keerikkadu
2. The Assistant Executive Engineer, Electrical Sub Division, Kayamkulam, KSE Board Ltd, Alappuzha

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Power House, Power House Buildings, Cemeterymukku, Ernakulam-682 018