

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
(Under the Electricity Act, 2003)
PUDUCHERRY

PRESENT:

THIRU T. GOPALAKRISHNAN, B.E.,
CHAIRMAN

THIRU A.S. JITENDRA RAO, B. Tech., M.B.A.,
LICENSEE MEMBER

THIRU R. KRISHNAMURTHY, B.Com., LLB., PGDFL.,
JERC NOMINATED MEMBER

WEDNESDAY, THE 12th DAY OF JANUARY 2022

CONSUMER CASE No.118/2021

K. Premraja,
No.86, Canteen Street,
Puducherry – 605 001

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Complainant

Vs.

- 1) The Executive Engineer, Rural North(O&M)
Electricity Department,
Puducherry.
- 2) The Assistant Engineer – Kalapet,
Electricity Department,
Puducherry.
- 3) The Junior Engineer – Kalapet,
Electricity Department,
Puducherry.

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Respondents

This case in C.C. No.118/2021 came up before this Forum for final hearing on 04/01/2022. After hearing both sides and having stood over till this date for consideration this Forum has delivered the following:

The case of the Complainant is as follows:

1. A Complaint was received from K. Premraja on 06.12.2021. In the complaint, the complainant had stated that his mother had purchased a land

in RS No.130/1; Cad. No.1183 3/5, Pillaichavady Revenue Village, on 01/11/1982 and a copy of the document was enclosed. After demise of his mother, the Complainant inherited the properties by virtue of the will registered document No.18/89. In the layout, plot No.8 was not sold. About three years back, the Electricity Department erected an electric pole on his plot and also stem supporting the pole were inserted in his plot. He had requested to remove the post and stem in the plot. The Department informed to bear the cost to remove the post. He had not permitted them to erect the post and now the Department asked him to bear the cost. But the estimated cost is high. The prayer of the Complainant was to remove and place the pole on the road side at the Department cost, as the Department had wrongly erected in his private property without the consent of the owner. Hence the complaint.

2. The complaint is registered as C.C. No.118/2021 and notices issued to the Department for giving reply by 21/12/2021. The Assistant Engineer, Kalapet furnished his reply on 20/12/2021 and copy of the same forwarded to the Complainant. The case was posted for hearing on 04/01/2022. The hearing was attended by both parties. The Complainant stated that he had good relationship with the Department and hence he gave consent to remove the pole at his own cost. But the cost is on the higher side.

3. In the Affidavit dated 20/12/2021, the Assistant Engineer, Kalapet / Respondent No.2 on behalf of Respondent No.1 and 3 had stated that the Complainant submitted a letter dated 09/10/2020 addressed to the Assistant Engineer, Kalapet, requesting to shift the existing pole from the existing location to the adjacent corner of the plot in the above said area. He had also mentioned that he has given acceptance to bear the cost for these purpose and arrange to execute the work through the authorised electrical contractor

after paying necessary supervision charges to the Department. As requested, scheme prepared and obtained the approval of the competent authority for shifting the existing pole suitably. The applicant has paid the supervision charges to the Department vide receipt dated 22/04/2021.

4. The Respondent No.2 further stated that the existing pole mentioned by the Complainant was erected during the year around 2009-10. The pole was erected in the road portion of the residential layout adjacent to the vacant plot, placed in a common place exactly in the revetment of 'L' drain constructed by municipal authority. A photo taken as per the site condition was enclosed. The said rail pole is a cut point pole, the 22 KV HT line of Pillaichavady feeder fed from 110/22 KV Kalapet SS turn in right angle in 'L' shape from north-south direction in this location. In view of road formation and providing safe clearance, the pole was suitably placed as per the site condition.

5. To the query, whether the lines have infringed the land of the Complainant, the Respondent stated in affirmative. This Forum directed to explore alternate way to reduce the cost and file additional Affidavit after inspection by 10/01/2022.

6. The Assistant Engineer, Kalapet / Respondent No.2 has filed additional Affidavit dated 10/01/2022. It has been stated that the site was inspected by the Assistant Engineer Kalapet along with the Junior Engineer, Kalapet O&M and removed the stay wire from the Complainant's plot on 07/01/2022. Same was erected by the Electricity Department, Puducherry when erecting new 22 KV HT overhead line with rail pole. Now, it is also ensured that the overhead line was stable after removing the stay wire. In this regard, it is stated that on site inspection, it is confirmed that, as per the site condition, if

the existing overhead line is required for shifting, it is absolutely required two numbers of existing 30 feet RCC poles to be replaced with 42 feet rail pole and one No.24 feet RCC pole to be replaced with 30 feet RCC pole. As already informed, as requested by the Complainant, a scheme have been prepared and obtained the approval of the competent authority for shifting the existing rail pole suitably. The Complainant has paid necessary supervision charges to the Department and accepted to execute the work and bear the cost for shifting of pole. The Respondent further states that a letter has been sent to the Executive Engineer, Project Implementing Agency, Puducherry for shifting of LT UG cable from the Complainant's plot.

Observation: The pole was erected in the Complainant's land in the year 2009-10. Both the Department and the Complainant have not followed Works of Licensee Rules, 2006 which is reproduced below:

Licensee to carry out works: (1) A Licensee may –

- (a) Carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, wherever or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such Licensee, with the prior consent or the owner or occupier of any building or land.*
- (b) Fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support: Provided that in case where the Owner or Occupier of the building or land raises objections in respect of works to be carried out under this rule, the Licensee shall obtain permission in writing from the District Magistrate or the Commissioner of Police or any other Officer authorized by the State Government in this behalf, for carrying out the works.*
Provided further that if at any time, the owner or occupier or any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District Magistrate or the Commissioner of Police, or the Officer authorised

may by order in writing direct for any such works, support, stay or strut to be removed or altered.

ORDER

- i. The Complainant is directed to approach the Competent Authority for getting relief on the Complaint as per ‘Works of Licensee Rules, 2006’.
- ii. The Complaint is not allowed.
- iii. The Complainant is at liberty to prefer an appeal against this Order before the Ombudsman, Joint Electricity Regulatory Commission for the state of Goa and Union Territories, 3rd Floor, Plot No. 55-56, Pathkind Lab Building, Service Lane, Udyog Vihar, Phase IV, Sector -18 Gurugram, Haryana-122015 within 30 days from the date of this Order under intimation to this Forum and the Respondents.

Dated at Puducherry on this the 12th day of January, 2022

Sd/-	Sd/-	Sd/-
(R. KRISHNAMURTHY) JERC NOMINATED MEMBER	(A.S. JITENDRA RAO) LICENSEE MEMBER	(T. GOPALAKRISHNAN) CHAIRMAN