

BEFORE THE VIDYUT OMBUDSMAN

Present

**K.Sanjeeva Rao Naidu
Vidyut Ombudsman**

Dated: 05 -07-2011

Appeal No. 19 of 2011

Between

Sri Thirumalesh
1-126, Gandhinagar Colony,
Kodangal (V) & (M),
Mahaboobnagar Dist.

... Appellant

And

1. Asst.Engineer/operation/Kodangal
2. Asst.Divisional Engineer/operation/Kodangal
3. Divisional Engineer/operation/Mahaboobnagar
4. Superintending Engineer/operation Circle / Mahaboobnagar

...Respondents

The appeal / representation filed dt 26.04.2011 of the appellant has come up for final hearing before the Vidyut Ombudsman on 01.07.2011 at Hyderabad Sri D.Thirumalesh, appellant present Sri T.Narasimha Reddy, AAE/O/Kondanal and Sri M.Vinay Kumar, ADE/O/Kondangal for the respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a complaint on 09.02.2011 before the Forum to the effect that 3 years back electricity officials laid electrical line over his house inspite of objections raised by him. He contacted the District Collector but no action was taken to remove the lines. Hence, approached the Forum to take necessary action for removing the lines over his house.

2. The respondent No.1 submitted his written submissions as hereunder:

“An estimate was prepared for Rs.1,14,280/- for shifting of the lines. The same has been informed to the consumer. Soon after receipt of payment from the consumer/complainant, the work will be taken up.”

3. The Forum has examined the complainant as well as the respondents. The complainant Sri Thirumalesh and on behalf of the respondents Sri T.Narasimha Reddy AE/O/Kondangal stated that the work of shifting lines will be completed by end of April 2011 after obtaining sanction and necessary shifting charges and the compliance will be reported to the Forum. The complaint was disposed of accordingly.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the department did not complete the promise made by them and the electrical lines were fallen on his house last year due to heavy gale and fortunately they could escape from the danger. On that a report was given and the department asked him to produce evidence that the house was there in existence even before laying electrical line and inspite of the papers produced, they have not removed the same and inspite of the order passed by the Forum, the same is not complied and requested this authority to direct the concerned officials to remove the electrical lines laid over his house.

5. Now, the point for consideration is, “whether the appellant is entitled for any order? If so, to what type of order?”

6. Sri Thirumalesh, appellant present. Sri T.Narasimha Reddy, AE/O/Kodangal and Sri M.Vinay Kumar ADE/O/Kodanal on behalf of respondents present and reported that the sanction is accorded by the DE/O/Mahaboobnagar and he is going to execute the work by the end of this month.

7. It is clear that the appellant produced sufficient evidence that the house was there even prior to the erecting the lines. So, there is no need for him to pay any shifting charges as claimed by the respondents in the counter. At the same time, the

appellant is not entitled for any damages as claimed in the appeal grounds, since he has also contributed the delay by approaching District Collector, ignoring the remedy available in the Electricity Act, 2003.

8. In the light of the above said representation made by the representative of the respondents who attended before this authority, the respondents are directed to shift the electrical lines on / or before 31.07.2011. The compliance should be reported soon after shifting the same ie., 31.07.2011 without collecting any shifting charges from the appellant . No order as to costs.

This order is corrected and signed on this day of 5th July 2011

VIDYUT OMBUDSMAN