



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: **R. DAMODAR**

Friday, the Third day of March 2017

Appeal No. 1 of 2017

Preferred against Order Dt. 24-12-2016 of CGRF In

CG.No: 563/2016-17 of Ranga Reddy South Circle

Between

Sri. Gyara Bhoopal, S/o. Sri. Achaiah, H.No. 2-139, Champapet, Saroor Nagar,
RR District, Cell : 7095935661.

... Appellant

AND

1. The ADE/OP/Champapet/TSSPDCL/RR District.
2. The ADE/ Lines/Malakpet/TSSPDCL/Hyderabad.
3. The DE/OP/Champapet/TSSPDCL/RR District.
4. The SE/OP/RR South Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 09.01.2017 coming up for final hearing before the Vidyut Ombudsman, Telangana State on 28.02.2017 at Hyderabad in the presence of Sri. Gyara Bhoopal - Appellant, Sri. M. Vinod Kumar - ADE/ Lines/Malakpet, Sri. P. Vinod Reddy - ADE/OP/Champapet for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant complained about the HT lines passing over his house, which he constructed in an assigned land and sought shifting of the lines at an early date by way of a complaint before the CGRF. The 1st Respondent/ADE/O/Champapet through letter dt.15.11.2016 stated that as per the office records, the Appellant has not approached his office for shifting of HT line passing over his house and the shifting of HT line (33 KV line) is within the purview of the lines wing and the ADE/Lines, 33/11 KV Sub Station, Malakpet has been addressed in the matter to take suitable action.

2. Before the CGRF, the 2nd Respondent ADE/Lines/Malakpet appeared and stated that a 33 KV line is passing over two houses and for shifting this line, the Appellant has to bear the cost of shifting. He stated that he would prepare an estimate and send it to the Appellant for arranging payment.

3. The same Respondent through letter dt.21.11.2016 stated that he has inspected the house of the Appellant, found a 33 KV line emanating from 220/132 KV Chandrayanagutta Sub Station to 33 KV Chanchalguda Sub Station and that the line is passing over the houses of the Appellant and another. He stated that the Appellant has to pay the shifting charges to the DISCOM as per the estimate and then the work will be executed as per the rules and regulations of the DISCOM. He further stated that the Appellant has to submit a consent letter for payment of the charges.

4. The Appellant through his letter dt.1.12.2016 stated that he has been living in the patta land allotted by the Government in the year, 1980 and that the HT lines were laid over 50 years back, posing danger to their lives. He stated that shifting cost of around Rs 6 lakhs is beyond his capacity, as he is a poor person and requested the CGRF to pass orders for shifting of the HT line at the cost of the DISCOM.

5. On consideration of the material on the record and contentions, the CGRF noting that even from the admission of the Appellant that the HT lines were laid about 50 years back and that by the time the land was allotted by the Government to him in the year 1980, the HT lines were already in existence and that the Appellant claimed to have constructed his house at that time and had not filed any application for shifting of HT line at that time and that nobody raised any objection about the HT line for 50 years and that the Appellant has not submitted any approved plan for construction of his house and that since the Respondents are ready to shift HT line on payment of Rs 6 Lakhs with the estimated cost, the Appellant should bear the shifting charges and should give a consent letter to the Respondents as per the rules and regulations and that in absence of any specific provision empowering it to direct the Respondents to shift the HT line at the cost of the DISCOM, referred to orders in CG No. 157/2015/RR South Circle filed by One P.Ashok seeking shifting of LT line passing over his house, directing the Licensee to shift the line to another safe place without insisting on any payment from consumer, observed that this case is not applicable to the present matter, disposed of the complaint through the impugned orders.

6. Aggrieved and not satisfied with the impugned orders the Appellant preferred the present Appeal claiming that he is a senior citizen and a physically handicapped person/social worker in a slum area and that the High Tension Line was erected by the DISCOM about 50 years back, which is found to be very dangerous and harmful to his entire family if it is not removed and that he gave a representation for shifting of the line and was asked to deposit Rs 6 lakhs with the DISCOM, which is not proper and that he is a poor person and cannot afford payment for shifting of the line, which is causing great loss and hardship to him.

7. The 2nd Respondent submitted a report dt.27.2.2017 stating that based on the estimate for shifting of HT line, the Appellant has neither paid Rs 6,00,000/-, nor given any consent letter for carrying out the work and as per Clauses 5.4.1.4 and 5.3.4 of GTCS, the Appellant is bound to pay the shifting charges for carrying out the works.

8. The Appellant submitted a copy of letter dt.11.2.2017 addressed by a MLC to the CGM of the DISCOM recommending shifting of the line, a copy of letter dt.23.11.2016 from the 2nd Respondent requesting payment of Rs 6,00,000/- towards tentative cost for re-routing of 33 KV line and a copy of a letter dt.9.1.2017 addressed by the Appellant to the office of the prime Minister as well as the president of India seeking their help in shifting of the HT line, in support of his case.

9. In view of the nature of the controversy in issue, the efforts at mediation failed to succeed. Hence the matter is being disposed of on merits.

10. On the basis of the material and contentions, the following issues arise for determination:

1. Whether the Appellant is entitled to a direction to the DISCOM to shift HT 33 KV line going over the house of the Appellant at the cost of the DISCOM?
2. Whether the impugned orders are liable to be set aside?

Issues 1 and 2

11. The Appellant is seeking shifting of 33 KV overhead line passing over his house and another house, which was laid about more than 50 years back according to his admission. The Appellant constructed his house subsequent to the year 1980 after getting the land assigned to him. The Appellant validly claims that this High Tension power line passing over his house may cause health hazard to the persons living directly

under this line. He sought shifting of this power line. He has not raised any objection about this HT line for 50 years and has not submitted any approved plan for construction of his house. When he sought shifting of the HT line away from his house, the 2nd Respondent inspected the site and estimated the cost of shifting of line at Rs 6 Lakhs and sought a consent letter for bearing the cost from the Appellant. The Appellant claims that he is a poor person and has no resources to pay the necessary shifting charges. Under these circumstances, the Respondents have relied on Clause 5.3.4 of GTCS which is as follows, to demand cost of shifting the HT line from the Appellant:

“Clause 5.3.4 Charges for shifting of service:

The estimate for shifting the existing service will cover the following items as chargeable to the consumer:

- i. Dismantling charges at the old site;
- ii. Transport charges from the old site to the new site;
- iii. Re-erection charges at the new site;
- iv. Depreciation on the old material if any not reused at the site;
- v. Overhead charges;
- vi. Cost of new materials if required ; and
- vii. Cost of irretrievable materials.

The consumer shall pay the above charges included in the estimate in advance before taking up shifting operations.”

12. The 2nd Respondent, based on the above Clause, has prepared the estimate and demanded the Appellant to pay the charges for taking up the shifting work. The Respondents further contended that once the service line is laid, it cannot be shifted or transferred without the permission of the DISCOM, by relying on Clause 5.4.1.4 of GTCS which is as follows:

“The service line once laid shall not be transferred or shifted from one place to another except with permission of the Company. If a consumer desires to have the position of the existing service line altered the company will take action for shifting of service in possible cases subject to the provisions in 5.3.4.”

In view of Clause 5.4.1.4 and Clause 5.3.4 of GTCS, the Respondents are claiming that unless the Appellant is ready to bear the cost of shifting the line which came to about Rs 6 lakhs, they cannot take up the shifting work.

13. On the other hand, the Appellant claims that he is a poor person and has no resources to bear the cost of shifting and that the DISCOM may be directed to shift the line at its cost. There is no provision either under GTCS or in any regulation directing the DISCOM to bear the cost of shifting of HT line at the request of a citizen. In the present case, the Appellant alone has come before the CGRF for relief. There appears to be two houses constructed under the 33 KV HT overhead line and the other person, it appears, has not given any complaint in this regard. There is no community affected by the overhead 33 KV HT line. A single individual who constructed a house, according to him under a running HT 33 KV line subsequent to the year 1980 is in a very difficult situation now. Unless there is a statutory duty on the DISCOM, it is difficult to direct it to comply with its duty. The DISCOM is mandated to shift the overhead line at the request of an individual only under Clause 5.4.1.4 and Clause 5.3.4 of GTCS. The Appellant has been addressing letters to the CMD TSSPDCL, the Office of the Prime Minister and getting recommendations from the people's representatives, in desperation to get the overhead HT line shifted, in vain. Still the request of the Appellant for shifting of the 33KV overhead HT line cannot be ordered without there being any inclination on his part to bear the cost of shifting of the line away from his house as required under Clauses 5.3.4 and 5.4.1.4 of GTCS.

14. The CGRF has examined the facts and rightly disposed of the complaint with proper reasons. There are no grounds to interfere with the well considered impugned orders. The Appeal is disposed of holding:

- a. that the Appellant is found not entitled to a direction to the DISCOM to shift HT 33 KV overhead line at its cost.
- b. that the impugned orders are confirmed.

15. The licensee shall comply with and implement this order within 15 days for the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

Typed by CCO, Corrected, Signed and pronounced by me on 3rd day of March, 2017.

Sd/-

VIDYUT OMBUDSMAN

1. Sri. Gyara Bhoopal, S/o. Sri. Achaiah, H.No. 2-139, Champapet, Saroor Nagar,
RR District, Cell : 7095935661.
2. The ADE/OP/Champapet/TSSPDCL/RR District.
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5. The SE/OP/RR South Circle/TSSPDCL/Hyderabad.

Copy to:

6. The CGRF, TSSPDCL, Greater Hyderabad Area, Vengal Rao Nagar, Erragadda,
Hyderabad.
7. The Secretary, TSERC, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad.