



**BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA**  
First Floor 33/11 kV Substation, Beside Hyderabad Boat Club  
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN**  
**VIDYUT OMBUDSMAN**

TUESDAY THE ELEVENTH DAY OF JUNE  
TWO THOUSAND AND TWENTY FOUR

**Appeal No. 09 of 2024-25**

Between

Sri P. Krishnaiah, s/o. P. Balaswamy, [H.No.2-6](#), Yendabetla, Nagarkurnool - 509  
209. [Ph.No.7794934956](#).

**.....Appellant**

**AND**

1. The Assistant Engineer/Operation/Nagarkurnool/TSSPDCL/Nagarkurnool.
2. The Assistant Divisional Engineer/Operation /Nagarkurnool/TSSPDCL/  
Nagarkurnool.
3. The Divisional Engineer/Operation/Nagarkurnool/TSSPDCL/Nagarkurnool.
4. The Superintending Engineer/OP/Nagarkurnool/TSSPDCL/Nagarkurnool.

**.....Respondents**

This appeal is coming on before me for final hearing on 07.06.2024 in the presence of the appellant, virtually and Sri T.Krishna Gopala Reddy -AE/OP/Nagarkurnool, Sri B.Adisheshaiah--ADE/OP/Nagarkurnool and Smt N.Leelavathi - SE/OP/Nagarkurnool for the respondents, virtually and having stood over for consideration, this Vidyut Ombudsman passed the following:-

**AWARD**

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - I (Rural), (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL') in

C.G. No.319/2023-24/Nagarkurnool Circle dt.16.03.2024, rejecting the complaint.

### **CASE OF THE APPELLANT BEFORE THE FORUM**

2. The case of the appellant before the learned Forum is that the appellant has obtained municipal permission and completed construction of his house up-to basement level near Kolhapur X-road, Nagarkurnool. There are HT electric live wires very near to his house causing danger to the lives of humans. Therefore it was prayed to direct the respondents to shift the electric poles away from the house of the appellant to a safer place.

### **WRITTEN SUBMISSIONS OF THE RESPONDENTS**

3. In the written reply filed by respondent No.1 before the learned Forum it was submitted that he inspected the spot on 04.02.2024 and 14.02.2024. Estimation was prepared and accepted for shifting of the pole. But another consumer near the house of the appellant objected to shifting of the electric pole as the land dispute is pending between them in O.S.No. 688 of 2022, O.S.No. 718 of 2022 and O.S.No. 4 of 2024.

### **AWARD OF THE FORUM**

4. After considering the material on record and after hearing both sides, the learned Forum has disposed of the complaint by directing the appellant herein to show the alternate right of way for execution of shifting of electric lines.

5. Aggrieved by the said Award of the learned Forum, the present appeal is preferred, contending among other things, that the live wires to the electric pole are hanging near his house endangering human life. Therefore it is prayed to direct the respondents to shift the electric poles away from the house of the appellant.

### **WRITTEN SUBMISSION OF THE RESPONDENTS**

6. In the written reply filed by respondent No. 1, before this Authority, he has reiterated the contents of his written reply filed before the learned Forum.

### **ARGUMENTS**

7. The appellant has submitted that the live wires to the electric poles near his house are very close to his house posing danger to human lives. Therefore it is prayed to direct the respondents to shift the said electric poles to a safer place away from the house of the appellant.

8. On the other hand, the respondents have submitted that another consumer near the house of the appellant has objected for shifting of the electric poles due to land dispute pending between them in O.S.No. 688 of 2022, O.S.No. 718 of 2022 and O.S.No. 4 of 2024. Therefore it is prayed to reject the appeal.

## **POINTS**

9. The points that arise for consideration are:-
- i) Whether the electric poles with live wires are liable to be shifted from the house of the appellant?
  - ii) Whether the Award of the learned Forum is liable to be set aside? and
  - iii) To what relief?

## **POINT Nos. (i) and (ii)**

### **ADMITTED FACTS**

10. Admittedly the appellant is constructing a new house at Nagarkurnool. There is no dispute that another consumer is objecting for shifting of the subject electric poles from the house of the appellant.

### **SETTLEMENT BY MUTUAL AGREEMENT**

11. Both the parties have appeared before this Authority virtually. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable opportunity to both the parties to put-forth their case and they were heard.

### **REASONS FOR DELAY IN DISPOSING OF THE APPEAL**

12. The present appeal was filed on 24.05.2024. This appeal is being disposed of within the period of (60) days as required.

## **CRUX OF THE MATTER**

13. The appellant is requesting for shifting of electric poles which are existing near his house on the ground that they are endangering the human lives. At this stage it is necessary to refer Clause 5.2.4 of the General Terms and Conditions (in short 'GTCS') which is extracted as under :-

**5.2.4:-** " Where the consumer's premises has no frontage on a street and the supply line from the company mains has to go upon, over or under the adjoining premises of any other person (and whether or not the adjoining Premises owned jointly by the consumer and such other person), the consumer shall arrange at his own expense for any necessary way-leave, licence or sanction. The Company shall not be bound to afford supply until the way-leave or sanction is granted. Any extra expenses incurred in placing the supply line in accordance with the terms of the way-leave, licence or sanction shall be borne by the consumer. In the event of the way-leave, licence or sanction being cancelled or withdrawn, the consumer shall, at his own cost, arrange for any diversion of the service line or the provision of any new service line thus rendered necessary."

14. The respondents are not shifting the poles on the ground that the neighbour of the appellant is objecting for shifting of poles on the ground that civil suits in O.S.No. 688 of 2022, O.S.No. 718 of 2022 and O.S.No. 4 of 2024 are pending between them. When there is an objection from the neighbour of the appellant under Clause 5.2.4 of the GTCS it is for the consumer (appellant herein) to solve the said right of way issue for carrying out the shifting of lines and electric poles by the respondents. The material on record goes to show that there are civil disputes pending between the appellant and his neighbour etc., in respect of the land. Further, the neighbour of the complainant has been objecting for shifting of the subject electric poles. It is

not the duty of the respondents to solve the said problem but it is the duty of the appellant to solve it. Moreover, during the course of arguments the respondents have submitted that the present electric poles near the house of the appellant are in a safe place. In view of these factors, I hold that the electricity poles with live wires are not liable to be shifted from the house of the appellant and the Award of the learned Forum is not liable to be set aside. These points are accordingly decided against the complaint and in favour of the respondents.

**POINT No. (iii)**

15. In view of the findings of point nos. (i) and (ii), the appeal is liable to be rejected.

**RESULT**

16. In the result, the appeal is rejected.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive cum Computer Operator, corrected and pronounced by me on the 11th day of June 2024.

**Sd/-  
Vidyut Ombudsman**

1. Sri P. Krishnaiah, s/o. P. Balaswamy, [H.No.2-6](#), Yendabetla, Nagarkurnool - 509 209. [Ph.No.7794934956](#).
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**Copy to**

6. The Chairperson, Consumer Grievances Redressal Forum of TGSPDCL-Rural, H.No.8-03-167/14, GTS Colony, Yousufguda, Hyderabad.

