



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

SATURDAY THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

Appeal No. 10 of 2024-25

Between

Sri Bhanuka. Prabhakar, s/o. Sri Bhanuka Janardhan, H.No 7-3-28/1,
Seetharampet, Tandur, Vikarabad District- 501141. Cell:9502545831.

.....Appellant

AND

1. The Assistant Engineer/Operation/T/Tandur/TGSPDCL/Vikarabad District.
2. The Assistant Divisional Engineer/Operation/Tandur/TGSPDCL/Vikarabad District.
3. The Divisional Engineer/Operation/Tandur/TGSPDCL/Vikarabad District.
4. The Superintending Engineer/Operation/Vikarabad Circle/TGSPDCL/Vikarabad District.

.....Respondents

This appeal is coming on before me for final hearing on this day in the presence of the appellant, virtually and Sri N. Raguveer Reddy -AE/OP/T/Town, Sri R. Adinarayana - ADE/OP/Tandur for the respondents, virtually and having stood over for consideration, this Vidhyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - II (Greater Hyderabad Area), (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL') in C.G. No.280/2023-24/Vikarabad Circle dt.21.03.2024,

allowing the complaint in part with some directions to the parties.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant before the learned Forum is that there is an electric pole in the ward where the appellant is residing in Sitarampet, Tandur near the house of one Sri G. Satyanarayana. The said pole was damaged at bottom level. Therefore it is prayed to replace the said iron pole with new PSCC pole and replacement of old AB cable with new cable so that the new cable may bear the load due to increase the number of services.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written reply filed by respondent No.1 before the learned Forum, it is, inter-alia, submitted that the shifting of the electric pole comes under DCW and the work will be taken up after the appellant applies in CSC Tandur and the existing AB cable etc., are in good condition.

AWARD OF THE FORUM

4. After considering the material on record and after hearing both sides, the learned Forum has allowed the appeal in part with the following directions:-

(i) The complainant is hereby directed to register the application in CSC/Tandur for shifting of pole duly giving consent for payment of shifting charges within (15) days from the date of receipt of this order, failing which, the complaint shall stand to be rejected.

(ii) After receipt of application from the complainant as per the above order No.(i), the respondents are hereby directed to shift the pole under DC works within (30) days thereafter as per rules in vogue

and shall file the compliance report along with the satisfactory letter of the complainant.

5. Aggrieved by the said Award of the learned Forum, the present appeal is preferred, contending among other things, in detail that the existing electric wire in the ward of the appellant is in a damaged condition and also there is requirement for replacement of AB cable wire at that place. In spite of several representations to all the authorities there is no progress in the matter. Therefore it is prayed to direct the respondents to replace the electric pole and also AB cable.

WRITTEN SUBMISSION OF THE RESPONDENTS

6. In the written reply filed by respondent No. 2, before this Authority, it is, inter-alia, submitted that there is a small lane measuring six feet width where the movement of four wheelers is not possible in order to transport of pole and shifting of the pole at the place requested by the appellant. The condition of the existing iron electric pole is healthy. Likewise LT AB cable is also in good condition. There are no unscheduled power interruptions in the area of the appellant.

ARGUMENTS

7. The appellant has submitted that the electric pole in his ward is damaged. Likewise the AB cable at that place is also damaged. Accordingly it is prayed to direct the respondents to replace both the electric pole and also

AB cable immediately.

8. On the other hand, it is submitted on behalf of the respondents that the lane where the subject electric pole is existing is very narrow for movement of four wheeler vehicles and that both the electric poles and AB cable are in good condition. Therefore it is prayed to reject the appeal.

POINTS

9. The points that arise for consideration are:-

- i) Whether the subject electric poles and AB cable are liable to be replaced as prayed for?
- 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. It is an admitted fact that the appellant made several requests to different authorities for shifting of the electric pole and also the AB cable. It is not denied by the appellant that the lane is narrow where the subject electric pole is existing.

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 28.05.2024. This appeal is being disposed of within the period of (60) days as required.

CRUX OF THE MATTER

13. The request of the appellant is to replace the electric pole in the ward where he is residing in Tandur Town on the ground that it is in a damaged condition. His request is also to replace the AB cable for the similar reason. The plea of the respondents is that the electric pole as well as AB cable are in good condition, as such there is no necessity to replace both of them. One more reason stated by the respondents is that the subject electric pole is in a narrow lane.

14. At this stage it is necessary to refer Sec.53 of the Electricity Act which is as under:-

Section 53. (Provisions relating to safety and electricity supply):

The Authority may in consultation with the State Government, specify suitable measures for –

- (a) protecting the public (including the persons engaged in the generation, transmission or distribution or trading) from dangers arising from the generation, transmission or distribution or trading of electricity, or use of electricity supplied or installation, maintenance or use of any electric line or electrical plant;

- (b) eliminating or reducing the risks of personal injury to any person, or damage to property of any person or interference with use of such property;
- (c) prohibiting the supply or transmission of electricity except by means of a system which conforms to the specification as may be specified;
- (d) giving notice in the specified form to the Appropriate Commission and the Electrical Inspector, of accidents and failures of supplies or transmissions of electricity;
- (e) keeping by a generating company or licensee the maps, plans and sections relating to supply or transmission of electricity;
- (f) inspection of maps, plans and sections by any person authorised by it or by Electrical Inspector or by any person on payment of specified fee;
- (g) specifying action to be taken in relation to any electric line or electrical plant, or any electrical appliance under the control of a consumer for the purpose of eliminating or reducing the risk of personal injury or damage to property or interference with its use.

This provision makes it quite clear that it is the duty of the licensee-respondents to replace the electric poles and AB cable wire etc., if they are in a damaged condition and if they endanger human life. Therefore the respondents have to check these electric apparatus regularly and whenever the situation demands they have to replace them. In the present case in view of the submission of the respondents that the subject electric pole and AB cable are healthy, they cannot be replaced. In view of these factors, I hold that the subject electric pole and AB cable are not liable to be replaced and the Award of the learned Forum is not liable to be set aside, but for

different reason. These points are accordingly decided against the appellant 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 15th day of June 2024.

**Sd/-
Vidyut Ombudsman**

1. Sri Bhanuka. Prabhakar, s/o. Sri Bhanuka Janardhan, H.No 7-3-28/1, Seetharampet, Tandur, Vikarabad District- 501141. Cell:9502545831.
2. The AE/Operation/T/Tandur/TGSPDCL/Vikarabad District.
3. The ADE/Operation/Tandur/TGSPDCL/Vikarabad District.
4. The DE/Operation/Tandur/TGSPDCL/Vikarabad District.
5. The SE/Operation/Vikarabad Circle/TGSPDCL/Vikarabad District..

Copy to

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