



**VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA**  
First Floor 33/11 kV substation, Hyderabad Boats Club Lane  
Lumbini Park, Hyderabad - 500 063

**:: Present:: Smt. UDAYA GOURI**

**Thursday the Twentieth Day of December 2018**

**Appeal No. 47 of 2018**

**Preferred against Order dt:10.09.2018 of CGRF in**

**CG No. 289/2018-19 Vikarabad Circle**

**Between**

**Smt.B.Kalavathi, W/o.Sidrameshwar, H.No.2-3-98/128,NGO colony,  
Mahavir Hospital, Venkatapur Thanda, Yennepally, Shivareddypet,  
Vikarabad-501101, Cell: 8897005242.**

**... Appellant**

**AND**

- 1. The AE/OP/Vikarabad Town/TSSPDCL/ Vikarabad Dist.**
- 2. The ADE/OP/Vikarabad/TSSPDCL/Vikarabad Dist.**
- 3. The DE/OP/Vikarabad/TSSPDCL/Vikarabad Dist.**
- 4. The SE/OP/Vikarabad Circle/TSSPDCL/Vikarabad Dist.**

**... Respondents**

**The above appeal filed on 12.11.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 19-12-2018 at Hyderabad in the presence of Sri. B. Sidrameshwar - On behalf of the Appellant and Sri. B. Sri Ramachandra - I/c. AE/OP/Vikarabad (T), Sri. T. Ramachandraiah - I/c. ADE/OP/Vikarabad and Sri. T. Lingaiah - DE/OP/Vikarabad for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;**

**AWARD**

**This is an Appeal filed against the orders of the CGRF Vikarabad Circle in CG No. 289/2018-19 dt.10.09.2018.**

- 2. The Appellant stated that he lodged a complaint before the CGRF seeking for shifting of the existing HT poles erected and the wire passing through their premises in the plots of the Government NGO Colony in their Thanda to a place outside their premises as the same is causing a lot of inconvenience to the colony mates and**

the learned CGRF directed the Respondents to shift the poles on payment of the estimated charges within 15 days from the date of the order and to remove the poles within 15 days from the date of payment of the estimated charges. Hence aggrieved by the said order the present Appeal is filed.

3. A perusal of the Appeal shows that the Appellant Smt. B. Kalavathi resident of H.No.2-3-98/128, NGO Colony, Mahaveer Hospital, Vempally Village, Shivareddypally, Vikarabad Dist., has prayed for shifting of existing HT poles and the wires passing from within their plots of the NGO Colony to any other place. She contended that not only the Appellant but even the public of Vikarabad are facing much difficulty in reaching the Mahaveer Hospital in view of the HT lines along with the poles being erected in the NGO plots without paying attention to the marking of the plots in the said colony. She claimed that she and the other colony inmates are all pensioners and that they have no source of other income for their livelihood and hence are already finding it difficult for meeting their own expenses and as such are unable to remit the cost estimated for shifting of the pole i.e. Rs 71,222/-, hence prayed that the Respondents i.e. the electricity department shift the pole on its own. She also contended that she has corresponded and requested the electricity department, the Collector and the RDO of Vikarabad for the same. She claimed that the HT lines were erected in the Government NGO Society plots covered from Plot Nos. 1 to 20, 112 to 114 and 128 to 130 which are road side plots and the Respondents have erected the said poles without taking into consideration the layout plan of 1982. Hence prayed that their plea be considered sympathetically and necessary directions be given to the Respondents for shifting of the HT lines and the poles at the cost of the Respondent department.

4. The Respondents on the other hand contended that the Appellant already filed a complaint before CGRF for the relief sought by her i.e. shifting of HT lines and the poles from the NGO Colony and the Hon'ble CGRF considered her complaint and directed her to pay the shifting charges etc. amounting to Rs 71,222/-, on the oral representations of incharge ADE/OP/Vikarabad who appeared personally before the CGRF on 10.09.2018. They claimed that the cgrf directed them to complete the work within 15 days from the date of payment of shifting charges by the Respondent.

5. Hence in exercise of the powers conferred under Section 42 of the Indian Electricity Act, 2003 and as per GTCS of TSSPDCL Clause 5.3.4, the estimate for shifting the existing service will cover the following items :

1. Dismantling charges at the old site.
2. Transport charges from the old site to the new site.
3. Re-erection charges at the new site.
4. Depreciation on the old materials of any not refused at the site.
5. Overhead charges.
6. Cost of new materials if required and
7. Cost of irretrievable materials

Hence contended that the consumer shall pay the above charges included in the estimate in advance before taking up shifting operations, as such contended that they are willing to shift the poles and HT line on the above payments by the Appellant as there is no provision for them to shift the poles at the cost of their department.

5. Heard both sides.

6. In the face of the said contentions by both sides the following issues are framed:

#### **Issues**

1. Whether the HT lines and the poles sought to be shifted by the Appellant be shifted at the cost of the Respondent department or the Appellant? And
2. To what relief?

#### **Issue No.1**

7. Admittedly the Appellant Smt. Kalavathi is the resident of house bearing No. 2-3-98/128, NGO Colony, Mahaveer Hospital, Vempally Village, Shivareddypaally, Vikarabad District and that the said premises of the Appellant is located in the Government NGO colony. It is also not denied by the Respondents that HT lines and the poles are passing through the plots bearing Nos. 1 to 20, 112 to 114, 128 to 130.

8. The evidence produced by both sides though admittedly show that the HT lines along with the poles are passing through the Government NGO Colony, there is nothing on record to show that the said poles and HT lines are erected after the plotting of the NGO Colony plots and hence there is no supportive evidence to the contentions of the Appellant that the Respondents ought to have laid the HT lines and the poles after verifying the layout map of the year 1982. Their contention is that since the said HT lines and poles are erected in the Government NGO Colony and since the same are causing inconvenience to the occupants of the colony and the general

public who wanted to reach Mahavir Hospital, the Respondents are bound to remove the said HT lines and the poles from the Government NGO Colony. But a perusal of Section 42 of the Electricity Act, 2003 and GTCS Clause 5.3.4 as stated by the Respondents clearly shows that the consumer has to pay the estimated charges in advance for taking up the shifting operations as it is classified under distributary contribution works. Even the Tariff Order Clause 7.160 of 2018-19 shows that

“The charges for any work which the Licensee may be required to undertake for the consumer and which is not included in the foregoing schedule, shall be the actual cost of labour and material plus 25% on cost of labour and material to cover overhead charges. The aforesaid charges shall be paid by the consumer in advance.”

9. Hence in the above mentioned circumstances though the Appellant is facing hardship in view of the passage of HT lines and the poles from the NGO Colony and in spite of the Appellants not being in a position to pay the estimated charges as directed by the CGRF, there is no provision in the Electricity Act to enable the Respondents to bear all the costs towards the shifting as required by the Appellants. Hence in the said circumstances decides this issue against the Appellant.

#### **Issue No.2**

10. In the result the Appeal is dismissed confirming the orders of the CGRF/Vikarabad Circle in CG No. 289/2018-19 dt.10.09.2018.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 20th day of December, 2018.

**Sd/-**

**Vidyut Ombudsman**

1. Smt.B.Kalavathi, W/o.Sidrameshwar, H.No.2-3-98/128,NGO colony, Mahavir Hospital, Venkatapur Thanda, Yennepally, Shivareddypet, Vikarabad-501101, Cell: 8897005242.

2. The AE/OP/Vikarabad Town/TSSPDCL/ Vikarabad Dist.
3. The ADE/OP/Vikarabad/TSSPDCL/Vikarabad Dist.
4. The DE/OP/Vikarabad/TSSPDCL/Vikarabad Dist.
5. The SE/OP/Vikarabad Circle/TSSPDCL/Vikarabad Dist.

**Copy to :**

6. The Chairperson, CGRF- II, GTS Colony, Vengal Rao Nagar,  
Erragadda, Hyderabad.
7. The Secretary, TSERC, 5<sup>th</sup> Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.