

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 25 -03-2013

Appeal No. 33 of 2013

Between

Sri K.V.R.Krishna Rao
Prop:Siva Ganga Ice & Cold Storage
27-3-68/17, Srirampuram
Op: BSNL Office st.
Bhimavaram – 534202, WG Dist.

... Appellant

And

1. Asst.Engineer/operation/Kalla /APEPDCL/WG Dist.
2. Assistant Divisional Engineer/ Operation / Akiveedu/ APEPDCL/WGDist.
- 3..Divisional Engineer / Operation/APEPDCL / Bhimavaram

....Respondents

The appeal / representation filed dt.07.02.2013 (received on 12.02.2013) of the appellant has come up for final hearing before the Vidyut Ombudsman on 20.03.2013 at Hyderabad. Sri K.V.R.Krishna Rao, Appellant and Sri D.V.S.S. Muralidhar, ADE/Op/Akiveedu for respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a complaint against the Respondents for Redressal of his Grievances and stated as hereunder:

“He has filed a complaint stating that 2Nos. of electrical pole were erected without intimation in his premises. Hence requested for justice.”

2. The 1st and 2nd respondent has filed their written submissions as hereunder:

- 1) *The complainant asked under RTI Act, 2005 Dt.05/09/2012.*
- 2) *It was clearly submitted under RTI Act, that the said rural feeder was erected long back i.e. before the year 2009 and not erected in the year of 2011.*
- 3) *Because, the same feeder was already shifted on request of M/s Ananda Fishers **Dt.24/04/2009** as per the estimate sanctioned by Divisional Engineer/Operation/Bhimavaram vide D.No.2369/2009, Dt.02/06/2009.*
- 4) *Hence, the above lines were erected long back only not erected recently.*
- 5) *No merits in his complaint for shifting of existing line and poles.*
- 6) *Hence, the complainant is liable to pay the necessary shifting charges in the above circumstances utsupra.*

3. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

- **The existing line and 2Nos. of poles near by the compounding wall of the said premises of Sri Siva Ganga Ice and Cold Storage, Srirampuram (V), Kalla (M), W.G.Dist were erected long back i.e. before the year of 2009 and not erected recently.**
- **Hence, complainant is advised that necessary application for shifting of existing line and poles is to be registered in Call Centre duly giving his consent letter for paying shifting charges as per estimate sanctioned.**

Accordingly, CG.No.578/12-13 is disposed off.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the department has erected poles in his cold storage premises during his absence and though he requested for removal of the same, they demanded payment of the amount for shifting the line, etc. It is stated that erection is made without his consent that too in his premises affecting usage of the building and value of the site and the building and it is the department which is responsible for removal of the poles and other equipment from his site at their own cost.

5. Now, the point for consideration is, "Whether the impugned order is liable to be modified? If so, in what manner?"

6. The appellant is present before this authority and submitted the same grounds mentioned in the appeal grounds.

7. Whereas the respondent is represented by Sri D.V.S.S.Muralidhar, ADE/O/Akiveedu and stated as hereunder:

- (i) The said rural feeder was erected long back i.e. before the year 2009 and not erected in the year of 2011
- (ii) The same feeder was already shifted on request of M/s Ananda Fishers **Dt.24/04/2009** as per the estimate sanctioned by Divisional Engineer /Operation/Bhimavaram vide D.No.2369/2009, Dt.02/06/2009.
- (iii) The above lines were erected long back only not erected recently.
- (iv) No merits in his complaint for shifting of existing line and poles.
- (v) The complainant is liable to pay the necessary shifting charges in the above circumstances.

8. It is clear from the representation that he closed the business and electricity service connection was permanently dismantled and left for USA for treatment during early 2009 and returned in the year 2012 and observed that 2 number PCC poles were erected and 11 KV conductor line was laid in his site without obtaining his consent.

9. Though the respondent is represented by Sri DVSS Muralidhar, ADE/O/Akiveedu stated that the poles were erected prior to 2009 in a vacant place but there is no such material placed before this authority that the service connection was given to the premises subsequent to 2009 and the same was dismantled later due to closure. The department ought to have produced the record about the existence of the building and the service connection, etc., to the premises and it also ought to have shown when poles were erected in the said premises. Even if the premise is not located there by the time of installing the poles etc, the department is not expected to lay the same in the private site of an individual without his consent.

10. The photographs and other material placed before this authority have clearly established that the building was in existence since a very long time. The erection of poles in the site of the appellant even without obtaining his consent is nothing but an error on the part of the department.

11. When the department has committed an error it is for them to rectify the same. The Forum has ordered to remove the poles on payment of the estimated charges for shifting the line is not correct and the same is liable to be modified.

12. In the light of the above said observation, the order of the Forum is modified and the respondents are directed to remove the 2 nos. poles and 11 kV conductor line from the premises of the appellant without insisting to register in the call centre and payment for shifting charges within 30 days from the date of receipt of this order.

13. In the result, the appeal is disposed by directing the respondents to remove the 2 nos. poles and 11 kV conductor line from the premises of the appellant without insisting to register the application in the call centre and payment for shifting charges, etc. The order of the Forum is modified as stated above.

This order is corrected and signed on this day of 25th March 2013

Sd/-
VIDYUT OMBUDSMAN