



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Hyderabad Boat Club Lane
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

FRIDAY THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

Appeal No. 36 of 2021-22

Between

Mir Ahtesham Ali, H.No.6-25/5, Pahadi Shareef, Mamedpally Road,
Rangareddy District.Cell: 9395306128.**Appellant**

AND

1. The Assistant Engineer / Operation / Kalwakurthy / TSSPDCL /
Nagarkurnool District.
2. The Assistant Divisional Engineer / Operation / Kalwakurthy / TSSPDCL /
Nagarkurnool District.
3. The Divisional Engineer / Operation / Nagarkurnool / TSSPDCL /
Nagarkurnool District.
4. The Superintending Engineer / Operation / Nagarkurnool Circle / TSSPDCL /
/ Nagarkurnool District. **Respondents**

This appeal is coming on before me for final hearing on 05.09.2022 in the presence of the appellant, in person and Sri A. Chandra Sekhara Rao - ADE/OP/Kalwakurthy and Sri V.B.V.Satyanarayana Raju - DE/OP/Nagarkurnool representing the respondents and having stood over for consideration till this day, this Vidhyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - I(Rural), Hyderabad - 45 (in short 'the Forum') of Telangana State Southern Power Distribution Company

Limited (in short 'TSSPDCL') in C.G.No.67/2020-21/Nagarkurnool Circle dt.03.08.2021.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that (60) feet wide road is passing through the agricultural land bearing Sy.No.471/E, admeasuring Ac.4.00 of the appellant situated at Tandrikal (v) of Kalwakurthy Mandal, Nagarkurnool district. On the eastern side of the said land 11 KV and 33 KV electricity lines are passing through the said land. On the western side, the respondents have installed solar poles bearing No. 7,8,9 and 10. Owing to the electric lines stated above, the appellant is unable to carry on agricultural work in his land. He is unable to pay the estimated cost of Rs.1,64,856.64 ps to shift the electric lines. Therefore it is prayed to direct the respondents to shift the electric line from the land of the appellant, free of cost.

WRITTEN SUBMISSIONS OF THE RESPONDENTS

3. In the written submissions filed by respondent No.1 before the learned Forum it is submitted that the estimated cost to shift the electric lines is Rs 51,358/- only. That amount cannot be waived.

4. In the written submission filed by respondent No.2 before the learned Forum it is submitted that the appellant has to pay Rs.1,82,925/- (Rs.1,64,859/- towards service lines charge and Rs.18,066/- towards supervision charges). If the appellant pays Rs.51,357/- he can carry out the

work on turnkey basis by himself.

AWARD OF THE FORUM

5. After considering the material on record and after hearing both sides, the learned Forum has directed the respondents to shift the electric lines in question on receipt of payment from the appellant after fresh inspection.

6. Aggrieved by the Award passed by the Forum, the present appeal is preferred, contending among other things, that the learned Forum has not considered his plea and wrongly estimated the amount of Rs.1,64,858/- for shifting the electricity lines.

GROUND OF THE APPEAL

7. In the grounds of appeal, it is, inter-alia, submitted that the appellant is unable to pay the estimated cost to shift the electric lines passing through his land and hence it is prayed to direct the respondents to shift the said lines immediately.

WRITTEN SUBMISSION OF THE RESPONDENTS

8. In the written submissions of respondent No.1, it is stated that the appellant has to pay necessary charges for shifting the electrical lines from his land.

ARGUMENTS

9. The appellant has submitted that he is a poor person and as such he is unable to pay the shifting charges for the electric lines and hence he prayed to direct the respondents to shift the electric lines either free of cost or on concessional rate.

10. It is argued on behalf of the respondents that there is no scope for shifting the electric lines free of cost or on concessional rate and it is prayed to reject the appeal.

POINTS

11. The points that arise for consideration are:-

- i) Whether the electric lines passing through the agricultural land of the appellant be shifted free of cost or on concessional rate ?
- ii) Whether the impugned Award / Order is liable to be set aside? and
- iii) To what relief?

POINT No. (i) and (ii)

SETTLEMENT BY MUTUAL AGREEMENT

12. Both the parties have appeared before this Authority on 05.09.2022. 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

13. Since I took charge as Vidyut Ombudsman on 01.07.2022 and since there was no regular Vidyut Ombudsman earlier, the appeal was not disposed of within the prescribed period.

ADMITTED FACTS

14. It is an admitted fact that electric lines are passing through the agricultural land of the appellant at Tandirkal (v). It is also an admitted fact that on the application of the appellant estimation was given by the respondents for shifting of the electric lines to the appellant.

CRUX OF THE MATTER

15. The appeal is in regard to shifting of 11 KV and 33 KV lines passing through the agriculture land of the appellant. It appears that the appellant is apprehending danger to the lives in case of snapping of the lines. The request was admitted by the respondents and an estimation was prepared and sanction was accorded vide letter D.No.32382/20 dt.30.01.2020. There are two options given by the respondents for execution of the work. The first option is 100% contribution where the appellant has to pay the total cost of the work of Rs.1,64,858/-. In such case the Licensee will execute the work by procuring the material and labour cost. The second option is partial turnkey basis where the appellant has to pay Rs. 51,358/- to the Licensee and execute the work with the licensed contractor procuring the material. The appellant showed his inability to pay the amount of either options given in view of financial

conditions. Hence requested to execute the work by the Licensee without any cost.

16. The statute governing the above dispute is placed below:-

Clause 5.3.4 of GTCS : Charges for shifting of service:

The estimation 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 materials 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 estimation in advance before taking up shifting operations.

Tariff Order FY 2022-23, Clause 9.30 - Miscellaneous work in H.T.

Clause 9.30.1 :- 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.**

The above given clauses show that the appellant has to pay charges for shifting of line in advance to execute the work. There is no provision for relaxation of the expenditure for executing the work. In view of these factors, I hold that the appellant is not entitled for free service or services on concessional rate to shift the electric lines passing through his land. Hence,

the Award passed by the Forum is not liable to be set aside. These points are accordingly decided against the appellant and in favour of the respondents.

POINT No. (iii)

17. In view of the findings on point Nos. (i) and (ii), the appeal is liable to be rejected.

RESULT

18. In the result, the appeal is rejected, without costs, confirming the Award passed by the learned Forum.

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 this the 7th day of October 2022.

Sd/-

Vidyut Ombudsman

1. Mir Ahtesham Ali, H.No.6-25/5, Pahadi Shareef, Mamedpally Road, Rangareddy District.Cell: 9395306128.
2. The Assistant Engineer / Operation / Kalwakurthy / TSSPDCL / Nagarkurnool District.
3. The Assistant Divisional Engineer / Operation / Kalwakurthy / TSSPDCL / Nagarkurnool District.

4. The Divisional Engineer / Operation / Nagarkurnool / TSSPDCL / Medchal Nagarkurnool District.
5. The Superintending Engineer / Operation / Nagarkurnool Circle / TSSPDCL / Nagarkurnool District.

Copy to

6. The Chairperson, Consumer Grievances Redressal Forum- I (Rural), Erragadda, Hyderabad.

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