



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

Wednesday the Nineteenth Day of December 2018

Appeal No. 48 of 2018

Preferred against Order dt:10.09.2018 of CGRF in

CG No. 260/2018-19 Sangareddy Circle

Between

Sri.U.Srikanth, S/o.Kashinath, H.No.3-13, Waddi Village, Nyalkal(M),
Sangareddy Dist. Cell: 9963355430..

... Appellant

AND

1. The AE/OP/Nyalkal/TSSPDCL/ Sangareddy Dist.
2. The ADE/OP/Zaheerabad Rural/TSSPDCL/Sangareddy Dist.
3. The DE/OP/Zaheerabad/TSSPDCL/Sangareddy Dist.
4. The SE/OP/Sangareddy Circle/TSSPDCL/Sangareddy Dist.

... Respondents

The above appeal filed on 13.11.2018, coming up for final hearing before the Vidyut Ombudsman, Telangana State on 18-12-2018 at Hyderabad in the presence of Sri. U. Srikanth - Appellant and Sri. Anjaiah - ADE/OP/Zaheerabad Rural and Sri. K. Raj Kumar - AE/OP/Nyalkal 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 on the orders of the CGRF Sangareddy Circle vide CG No. 260/2018-19.

2. The Appellant contended that in spite of the orders of the CGRF in his favour the Respondents are not complying with the said orders of the CGRF in spite of the fact that the CGRF directed the Respondents to comply the orders within 20 days and report the compliance of it and as such the present Appeal is filed.

3. The averments of the Appellant in this Appeal is to the effect that he is a resident of H.No.3-13, Waddi (V), Nyalkal (M), Sangareddy Dist and that he had a vacant plot originally in the said premises, later constructed a house in the same after taking the required permission from the Grama Panchayat. He claimed that One electrical pole existing in his premises was obstructing his construction activity and on 14.03.2018 one of his buffaloes died as a result of a live electrical wire from the said pole falling on the buffalo. Hence he has approached the Respondents for shifting the said pole from his premises and also paid the requisite charges to the Respondents, but till today no action has been taken up by the Respondents in spite of an order from the CGRF asking them to shift the pole from his premises within 20 days of its order on 10.09.2018. Hence, he filed the present Appeal.

4. Admittedly the Appellant is the owner of the premises bearing H.No.3-13, Waddi (V), Nyalkal (M), Sangareddy Dist. and that a pole erected by the Respondents is located in his premises. It is also admitted by the Respondent No.1 i.e. AE/OP/Nyalkal through his letter bearing No. 145 dt. 10.12.2018 stating that the estimate was sanctioned for shifting of the pole under turnkey basis, based on the representation of the Appellant that the work has to be executed by the Appellant himself, but when they attempted to shift the pole, the people of the village interrupted the work. He also contended the buffalo of the Appellant due to non departmental fatal accident as the said buffalo was tied to the said pole to which the service wire hooked on the said pole for the street light with on/off switch in the middle of the said pole and that the neutral wire of the street light fell on the buffalo resulting in its electrocution and death on the spot. He further stated that the land of the Appellant had some dispute with the neighbours and hence when they went to shift the pole the people from the nearby places opposed the work. The said AE/OP/Nyalkal also submitted a letter on 18.12.2018 along with the complaints of the neighbours who are obstructing the work.

5. The Appellant filed a rejoinder on 18.12.2018 reiterating his claim that the Respondents are not executing the work in spite of his payment of the charges for shifting the pole and regarding the death of his buffalo due to the negligence of the Respondent officials. He also denied that there are any disputes between him and his neighbours and pointed out that the Grama Panchayat itself has given him the permission for construction after verification of his application and Title documents.

6. Heard both sides.

7. In the face of the averments by both sides the following issues are framed:

Issues

1. Whether the Appellant is entitled for shifting of the electrical pole from his premises? And
2. What relief?

Issue No.1

8. Admittedly the Appellant is the owner of the premises bearing No. 3-13, Waddi (V), Nyalkal (M), Sangareddy Dist. It is also not disputed by the Respondents that an electrical pole is presently existing in the premises belonging to the Appellant. The Respondents have also admitted that vide CC No. 666181186101 dt.05.01.2018 a complaint was registered towards shifting at H.No.3-13, Waddi (V), Nyalkal (M) under the name of Sri. Kashinath. Subsequently based on the request of the Sri. Upnor Kashinath approval was accorded for shifting of 1 No. 8 meter LT Pole and Rs 379/- was demanded as shifting charges under turnkey basis by the Respondent No.2 ADE/OP/Zaheerabad Rural. The Appellant paid the said amount vide PR No. 66602041166 on dt.16.03.2018. As per the sanctioned scheme under the turnkey basis the Appellant has to execute the work through a contractor under the supervision of the Respondents. Whereas the work could not get executed due to objections and obstructions from some other group of nearby people.

The dispute of land as claimed by other group of nearby people and the cause of death of the buffalo due to negligence of the officials as claimed by the Appellant is not the part of the appeal preferred by the Appellant in the CGRF and the only issue remains to be redressed is whether the Appellant is liable for shifting of pole after payment of necessary charges required.

9. In other words in spite of the admissions by the Respondents that the property in question i.e. H.No. 3-13, Waddi (V) belongs to the Appellant and that an electrical pole that exists in the premises of the Appellant causing inconvenience to him, the Respondents have not shifted the same in spite of the Appellant paying the required charges, on the ground that the nearby villagers are objecting to the same, though the Respondents have filed the copies of certain complaints received by them, they have not filed any document showing any concrete reason for the said objections

by the villagers. The villagers have neither filed any civil disputes in the court nor raised any legal objections on the basis of any authentic documents. The Respondents, during the course of their arguments have themselves admitted that the electricity connection from the pole existing in the premises of the Appellant into the premises of the Appellant is shifted to another pole at the time of attempting to shift the pole. They also stated that another pole exists nearby to the pole in question to enable them to shift the connections from the pole existing in the premises of the Appellant, which makes it possible for them to connect the electricity connections from the pole in question to the other pole.

10. Hence in the said circumstances, I do not see any reason as to why the electricity connections pertaining to the pole in the premises of the Appellant cannot be sifted to the other pole to avoid obstruction to the Appellant, which is a genuine objection even to a prudent person. Hence in the face of the above this issue is decided in favour of the Appellant.

Issue No.2

11. In the result the Appeal is allowed and since the Appellant followed the procedures involved for shifting of the pole, by applying in the consumer service center and got requisite approval from the Respondents and paid the necessary charges, the Respondents are bound to shift the pole from the premises of the Appellant. Hence are directed to shift the said pole from the premises of the Appellant and if necessary the Respondents are directed to take the assistance of the police in shifting the pole. The Respondents are further directed to report the compliance of this order within 15 days.

12. The licensee shall comply with and implement this order within 15 days from the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 19th day of December, 2018.

Sd/-
Vidyut Ombudsman

1. Sri.U.Srikanth, S/o.Kashinath, H.No.3-13, Waddi Village, Nyalkal(M), Sangareddy Dist. Cell: 9963355430.
2. The AE/OP/Nyalkal/TSSPDCL/ Sangareddy Dist.
3. The ADE/OP/Zaheerabad Rural/TSSPDCL/Sangareddy Dist.
4. The DE/OP/Zaheerabad/TSSPDCL/Sangareddy Dist.
5. The SE/OP/Sangareddy Circle/TSSPDCL/Sangareddy Dist.

Copy to :

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