

Before the Electricity Ombudsman
(For the State of Goa & Union Territories(Except Delhi)
Plot No.55-56, 3rd Floor, Udyog Vihar, Phase-IV, Sector-18, Gurugram, Haryana-122015
Phone No.0124-4684710, Fax-4684706
Email ID: ombudsmanjerc@gmail.com

Appeal No.108/2019 / 79-8/

Date of Hearing: 29.3.2019 at Puducherry

Sh. S.Saravanane,
No.9-A, Water Tank Street, Manavelly,
Mothilal Nehru Nagar,
Navarkulam, Lawspet, Puduchery.

.....Appellant

Versus

The Superintending Engineer,
Electricity Department,
137, Netaji Subhash Chandra Bose Salai,
Puduchery-605 001.

.....Respondent

Parties Present:

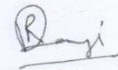
Appellant : Sh. S. Saravanane

Respondent : 1. Sh. T. Gopalakrishnan, SE(O&M)
Electricity Department
2. Sh. K.Ramanathan, Xen-RS,
Electricity Department
3. Sh. K. Sundaramurthy, AE/RS
Electricity Department
4. Sh. M. Mohamed Ismail, JE/AKN
Electricity Department

Date of Order: 04.04.2019

A. Submissions by the Appellant:

1. The grievance matter was brought to the CGRF Puducherry because I could not able to afford the shifting cost of the pole installed on the middle of my house entrance. The expenditure on account of shifting of pole was already brought to my notice by the Junior Engineer Ariyankuppam O & M Electricity Department, Puducherry before approaching the CGRF, Puducherry. At that time, I was unable to bear the cost of shifting expenditure for


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that the matter is pending for long years and still the same situation continued because of my financial position due to unemployment and the matter is Sub-Judice.

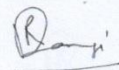
2. Now the entire history of the case to bear the cost of shifting expenses was being recorded again through the CGRF, Puducherry which is unjustified and unconstitutional.
3. There are many consumers utilizing the said pole for many years and I have suffered a lot because of non making of proper entrance gate of the house. For that there is a scope of granting compensation to the sufferer which is available in the said Act but in this case I am penalized to make all the residence consumer of the electricity to live comfortable and happy and left me with more disturbances. I am also equally be treated as consumer as I am paying the utilization charges plus tax as applicable, what other consumers are paying. The said pole fixed/installed fifteen years back and I am personally perusing the matter of shifting from that time and written petitions were submitted from 2016 several times before the Electricity Authority.
4. I am not convinced with the order of the CGRF, Puducherry and order passed is not at all resorting my problems and no relief granted by CGRF for the purpose for which I approached the Grievance Forum.

The following options are given for consideration keeping in view of the fact of the case:-

- (i) The entire expenditure of Rs. 31201/- may be borne by the Electricity Department, Govt. of Puducherry.
Or
 - (ii) The entire expenditure of Rs.31201/- may be equally distributed among all the consumers those who are getting the power supply through the said pole.
5. In this connection I am appealing to the Hon'ble Sir, JERC to get Justice on my case. I am also ready to contribute equally as one among the contributor since the electricity pole for power supply is benefitting to all consumers by realizing the fact that "All are equal before Law".

B. Submission by the Respondent:

1. Water Tank Street, Manavelly area of Ariyankuppam Commune Panchayat falls under the jurisdiction of Ariyankuppam O&M of Rural South division of Electricity Department. The



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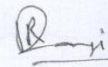
Complainant submitted the letter for shifting of pole. The department requested the complainant to bear the cost for shifting of pole.

2. Aggrieved by the department's action, the complainant had filed his objection before the Hon'ble CGRF on 28.12.2018. The complaint was registered as Consume Case No. 01/2019, Hon'ble CGRF, dt. 07.01.2019.
3. The department filed a counter affidavit dated 11.01.2019 before the Hon'ble CGRF and hearing was conducted by the Hon'ble CGRF on 05.02.2019. During discussion the Forum directed the department to inspect the site and to prepare necessary estimate towards shifting charges and the same may be served to the complainant on or before 12.02.2019.
4. An estimate was prepared for shifting of pole at a cost of Rs. 31,201/- and notice was served to the complainant to remit the estimated cost of Rs. 31,201/- vide No.2748/ED/AEE-RS/F-34/2018-19 dated 11.02.2019.
5. The Hon'ble CGRF conducted final hearing on 12.02.2019 directs the Complainant to remit the estimate cost indicated in the notice served to him within a week time from the date of receipt of the notice. The Department is directed to take up the work within seven working days after receipt of amount from the complainant. The complainant is not convinced with the order of CGRF and appeared against the CGRF order before Ombudsman, Joint Electricity Regulatory Commission, New Delhi.
6. The Complainant request for shifting the pole, even though the pole is not in the middle of the complainant house entrance and there is no hindrance to anybody, will be taken up on remittance of the estimated cost of Rs.31,201/- by the complainant.

C. CGRF order preferred for Appeal:

Consumer Grievance Redressal Forum, Puducherry in its order dated 20.02.2019 has decided as under:-

1. A complaint has been received from Thiru S.Saravanane, No.9-A, Water Tank Street, Manaveli, Ariyankuppam Puduchery-605007 on 31.12.2018 with a prayer to direct the Electricity Department, Puduchery to shift one pole which is in the middle of the entry of his house.
2. The complainant has submitted that a pole has been installed in the mid of the entry of his house which he is unable to shift his entry gate for his convenience.



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3. The complaint has been registered as C.C.1/2019 and notices have been served to the Respondents to reply by 14/1/2019. On reply from the second Respondent, the case has been posted for enquiry on 05/02/2019 and final hearing was held on 12.02.2019.
4. The second Respondent submitted that the Department was ready to shift the pole on deposit work to which the Complainant was not ready to accept to pay the shifting charges.
5. A detailed sketch showing the location of the pole to be shifted was submitted by the Department indicating the details of work involved.
6. During discussion the Forum directs the second Respondent to inspect the site and to prepare necessary estimate towards shifting charges and the same may be served to the Complainant on or before 12.02.2019. In response to the directions of the Forum, the Department prepared estimate for an amount of Rs.31201/- and notice has been served to them on 11.02.2019 for the payment of the shifting charges.
7. OBSERVATION: The work involved in the existing lines which are in live condition and the work has to be carried out on the request of the Complainant and hence can be carried out only on payment basis.

The Forum directs the Complainant to remit the estimated cost indicated in the notice served to him within a week time from the date of receipt of the notice. The Department is directed to take up the work within seven working days after receipt of the amount from the complainant.

Thus the complaint is allowed to the extent indicated.

D. Discussions during hearing:

The appellant requested that he should not be liable to pay the shifting charges as electricity is being supplied to many consumers through this pole. The expenses should either be borne by Electricity Department Puducherry or be distributed among all consumers getting power supply from that pole.

The Respondent submitted that there is no provision of distributing the shifting charges amongst the consumers. Further, the pole is not in the middle of the Appellant's house entrance and there is no hindrance to anybody. The shifting of pole can be taken up on payment of estimated cost of Rs. 31201/- by the Appellant for shifting of pole.

Ranji

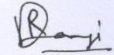
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E. Analysis & Decision:

In accordance to Clause 63 of Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulation 2010, the alteration of the overhead line can be done on payment of necessary shifting charges by such person seeking alteration.

In view of the above, the Appeal doesn't find any merit and the CGRF, Puducherry order is, therefore, upheld.

The stands disposed off accordingly.



(Rajesh Dangi)
Electricity Ombudsman
04.04.2019

1. Sh. S.Saravanane, No.9-A, Water Tank Street, Manavelly, Mothilal Nehru Nagar, Navarkulam, Lawspet, Puducherry.
2. The Superintending Engineer, Electricity Department,137, Netaji Subhash Chandra Bose Salai,Puduchery-605 001.

Copies to:-

1. Chairman, CGRF, Electricity Department, Puducherry.
2. Sh. Arvind Kumar, Sr.Assistant, for uploading the order on JERC website.