

**BEFORE THE FORUM**  
**FOR REDRESSAL OF CONSUMER GRIEVANCES**  
**IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED**  
**TIRUPATI**

**On this the 28<sup>th</sup> day of October 2013**

**In C.G.No:75/ 2013-14/ Vijayawada Circle**

***Present***

***Sri K. Paul***  
***Sri A. Venugopal***  
***Sri T. Rajeswara Rao***  
***Sri A. Satish Kumar***

***Chairperson***  
***Member (Accounts)***  
***Member (Legal)***  
***Member (Consumer Affairs)***

***Between***

Smt CH.Pavani  
DNo:9-19-6A,  
Godugupet Village & Post,  
Machilipatnam  
Krishna-Dist-521001

Complainant

***And***

1. Assistant Engineer/Operation/D-1/Machilipatnam  
2. Assistant Divisional Engineer/Operation/Machilipatnam  
3. Divisional Engineer/Operation/Machilipatnam

Respondents

\* \* \*

Smt. CH.Pavani, resident of Godugupet Village & Post, DNo:9-19-6A, Machilipatnam Krishna-Dist-521001 herein called the complainant, in her complaint dt:17-06-2013 filed in the Forum on dt:17-06-2013 under clause 5 (7) of APERC Regulation 1/2004 read with section 42 (5) of I.E.Act 2003 has stated that

1. She is a consumer with Sc.No:6222208051363 at Godugupeta area Kasanigudem -08 of Machilipatnam town.
2. A pole besides her house is rusted and may fell down at any time due to winds, the said pole is tagged on with 11KV wires and are crossing over her house children and adults are feared due to high voltage wires on the house and may lead to loss of lives.

3. Requested to remove the pole and the connected wires and safe guard their lives.

Notices were served upon the respondents duly enclosing a copy of complaint.

**The respondent-2 i.e. the Assistant Divisional Engineer/Operation/Machilipatnam in his written submission dt: 23-09-2013, received in the Forum on 01-10-2013 stated that:**

1. As per the department rules the prospective consumer was not interested to registered the application in CSC Intimate with several times.

**Findings of the Forum:**

1. The grievance of the complainant comprises of two items out of which the first is that there is a 11KV line passing over her house and the second one being a pole besides her house to which the said line is tagged on is rusted and about to fell down at any time even with little wind and may cause loss of lives creating fear and requested to remove the wires and the pole to safe guard their lives.
2. The respondent-2 i.e. the ADE/Opn/Machilipatnam in his reply stated that the department rules will not permit to shift any line or pole without proper application from the prospective consumer. In this case the consumer was not interested to registered the application in CSC though intimated several times.
3. Here in this case, the said poles were erected long back and subsequently due to aging and salinity and hence the contention of the complainant the pole is rusted shall be accepted, but on the other hand removal of lines crossing over her house can be done only under deposit contributory scheme for which the complainant shall have to bear the entire cost of the

estimate and also to provide necessary way leave to such re-routing at her own cost.

4. In accordance with the clause 5.2.4 of the General Terms and Conditions of Supply, any consumer in whose interest any line or equipment requires shifting from one place to the other the concerned had to bear the expenses towards such shifting charges as per the estimate besides providing necessary way leave for the rerouting of the line as required by the field conditions at his own cost.
5. As such here in this case also, the complainant shall have to pay the necessary charges towards such shifting as per the estimate prepared and communicated by the respondents, besides providing necessary way leave for the proposed rerouting of the line at her own cost.
6. The complainant has to first approach the ADE concerned and get her application registered for the said shifting of the line duly extending her consent to pay the necessary charges as per the estimate and the way leave and has to pay the said amounts in advance of taking up the works upon which only the said works will be taken up.
7. But herein this case it is reported that the complainant is not showing any interest to register her application for the said work in absence of which the work cannot be taken up and proceeded further.
8. But in case of the rusted pole it is the responsibility of the respondents to replace the damaged pole on top priority immediately after its notice to avoid accidents.

In view of the above, the Forum passed the following order.

**ORDER**

1. The complainant is advised that she may approach the Assistant Divisional Engineer/Operation/Machilipatnam, extend her consent and get register her application for the work if she is interested in. The licensee will not do the work at his own.
2. The respondents are directed that they shall replace the damaged pole at the earliest or within 15 days from the date of this order.
3. Report compliance on the item-1 above within 21 days from the date of this order.

If aggrieved by this order, the complainant may represent to the Vidyut Ombudsman, O/o the APERC, 5<sup>th</sup> floor, Singarenibhavan, Redhills, Hyderabad-500004, within 30 days from the date of receipt of this order.

Signed on this the 28<sup>th</sup> day of October 2013.

Sd/-  
Member (Legal)

Sd/-  
Member (C.A)

Sd/-  
Member (Accounts)

Sd/-  
Chairperson

**Forwarded by Orders**

**Secretary to the Forum**

To  
The Complainant  
The Respondents  
Copy to the General Manager/ CSC/ Corporate office/ Tirupati for pursuance in this matter.