

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

On this the 25th day of September 2020

C.G.No:203/2019-20/Nellore Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao

Chairperson

Sri. A. Sreenivasulu Reddy

Member (Finance)

Sri. V. Venkateswarlu

Member (Technical)

Sri. Dr. R. Surendra Kumar

Independent Member

Between

Sayad Khadar Basha,
S/o. Sayad Masoom Saheb
Thimmaiahpalem,
Chejerla (M),
Nellore –Dist.

Complainant

AND

1. Deputy Executive Engineer/O/Podalakur C& O
2. Executive Engineer/O/Nellor Rurals

Respondents

ORDER

1. The case of the complainant is that complainant is having Acs.4.03 Cents land in Sy. No. 162-8. Respondents without informing him recently erected two poles of 11 KV line. Prior to that there are 2 LT line poles in his land. All these 4 poles are in 50 cents of land only. It became very difficult for him to raise casuarina and eucalyptus trees. It will be very difficult to plough the land. He also reported the matter to AE and ADE. Hence requested to remove the two poles of 11 KV line passing through his land.
2. Respondents No.1 and 2 filed joint written submission stating that estimate has been sanctioned for 4 No's AGL service connections with 20 HP load to Smt. M. Penchamma & /3 others of Timmayapalem(V). The work was completed duly following the procedure in vogue and while erection of poles and execution of work, the same is intimated to the

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complainant and he was aware of the said work is going on. But after completion of work raised an objection for erection of poles in his fields. Complainant was informed that he has to register an application for shifting of lines and after payment of estimated cost the shifting will be done as per his requirement.

3. Personal hearing through video conferencing was conducted on 13.02.2020, 16.06.2020 and 12.08.2020. Complainant was absent on 13.02.2020 and 16.06.2020 but present on 12.08.2020 and heard both sides. Both sides reiterated their versions mentioned in the pleadings. Respondents were directed to submit the sketch depicting the old LT line and newly erected 11 KV line passing through the land of the complainant. Accordingly they submitted the sketch.

4. The point for determination is whether the two 11 KV poles laid in the land of the complainant are liable to be shifted without payment of shifting charges by the complainant?

Respondents admitted about erecting of 2 poles of 11 KV line in the land of complainant for giving 4 No's AGL service connections to others. The sketch filed by the respondents shows that 2 No's poles of LT line are passing across the land of the complainant from south to north connecting to old DTR. Now respondents laid 2 No's 11 KV poles in the middle of the land from north to south to give AGL service connection to others. The distance between old LT line and new 11 KV line is about 45 Mts on the northern edge of fields of the complainant and 15 Mts on the southern side of the land of the complainant. Laying of 2 electric lines through the land of complainant will cause difficult for him to cultivate the land.

According to the respondents complainant has given consent at the time of erection of poles through his land but subsequently after erection of poles raised an objection and they

suggested for shifting of line on payment of shifting charges. Complainant denied that he has given consent for erection of 2 No's 11 KV poles. If really complainant had accepted for laying line through his land to provide AGL service connection to others, respondents ought to have obtained consent letter. It is not possible to believe the oral version of respondents that complainant gave consent for erection of poles in his land to give service connection to others by laying a separate 11 KV line that too in the middle of the land when already two poles of LT line are passing through his land. Had really complainant gave consent, he would not have filed this complaint and also did not state the same version in personal hearing that too in the presence of the respondents. So the version of respondents that the poles were erected with the consent of the complainant and later complainant raised objection cannot be taken into consideration in the absence of documentary evidence.

Procedure for supply of electricity is provided in Clause No. 5 of GTCS. The relevant clause for the purpose of giving service connection where the consumer has no direct access to provide supply is in Clause No. 5.2.4 of GTCS which is as follows:

“Where the consumer’s premises has no frontage on a street and the supply line from the company mains has to go upon, over or under the adjoining premises of any other person (and whether or not the adjoining Premises owned jointly by the consumer and such other person), the consumer shall arrange at his own expense for any necessary way-leave, licence or sanction. The Company shall not be bound to afford supply until the way-leave or sanction is granted. Any extra expenses incurred in placing the supply line in accordance with the terms of the way-leave, licence or sanction shall be borne by the consumer. In the event of the way-leave, licence or sanction being cancelled or withdrawn, the consumer shall, at his own cost, arrange for any diversion of the service line or the provision of any new service line thus rendered necessary”.

Admittedly in this case respondents laid 2 No's 11 KV poles in the land of the complainant for providing 4 No's AGL service connections to others. Respondents ought to have followed the above procedure mentioned in Clause No. 5.2.4 of GTCS before releasing of AGL service connections that too at the time of preparation of the estimate when there is no direct access for them to provide supply and poles have to be laid through the land of the complainant. Respondents also ought to have obtained consent letter from the complainant in writing before preparing of the estimate itself to ascertain the feasibility of extending power supply to the proposed AGL service connection. No prudent man will give consent to erect 11 KV poles in the middle of his field that too when already 2 No's LT poles are passing across his land. The contention of respondents that as already service connections were released by erecting 2 No's poles in the land of the complainant, complainant has to apply for shifting of poles and he is liable to pay shifting charges is not at all tenable. Suggesting to apply for shifting of poles by respondents itself shows that there is another alternative way for releasing of AGL service connections to the above said 4 persons. Respondents put forth a proposal in the personal hearing to the complainant that they will lay 11 KV line over and above the LT line for which complainant did not agree on the ground that it will be not possible for him to raise casuarina and eucalyptus thopes. No authority is placed before this forum that respondents are competent to lay electric poles in the land of one person for extending supply to others without consent of the affected party. In the absence of any such authority respondents have no right to lay 2 No's 11 KV poles in the land of the complainant for giving AGL service connection to third parties. Since the complainant stated that without his knowledge and consent respondents laid 2 No's 11 KV poles in his land, Respondents are bound to remove those un-authorisedly laid poles and have to provide supply to the other AGL service connections by opting an alternative way leave. Complainant is not liable to pay

shifting charges and respondents are bound to remove those 2 No's 11 KV poles at their own cost only. The point is answered accordingly.

5. In the result respondents are directed to remove the 2 No's 11 KV poles newly laid in the land of the complainant and place them in the alternative location in such a way so that there will be no hindrance to extend supply to the already released AGL service connections of Mahimaluru Penchamma & 3 others within 3 months from the date of receipt of this order and submit compliance report within 15 days thereon.

If aggrieved by this order, the Complainant may represent to the **Vidyut Ombudsman, Andhra Pradesh**, 3rd Floor, Sri Manjunatha Technical Services, Plot No: 38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008 within 30 days from the date of receipt of this order.

This order is passed on this, the day of 25th September 2020.

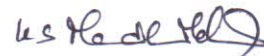
Sd/-
Member (Finance)

Sd/-
Member (Technical)

Sd/-
Independent Member

Sd/-
Chairperson

Forwarded By Order



Secretary to the Forum

To

The Complainant

The Respondents

Copy to the General Manager/CSC/Corporate Office/ Tirupati for pursuance in this matter.

Copy to the Nodal Officer (Executive Director/Operation)/CGRF/APSPDCL/TPT.

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008 within 30 days from the date of receipt of this order

Copy Submitted to the Secretary, APERC,11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.