



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: R. DAMODAR

Saturday, the Twenty Third Day of January 2016

Appeal No. 31 of 2015

(Old Appeal No. 63 of 2014-15)

Preferred against Order Dt. 25-09-2012 of CGRF In

CG.No: 534/2012-13 of Ranga Reddy East Circle

Between

N. Bhanu Babu, 36-157/1, Boyawada Road,
Ibrahimpattam, RR Dist 501 506.
Cell 9912204280.

... Appellant

AND

1. The AE/OP/Ibrahimpattam/TSSPDCL/RR Dist.
2. The ADE/OP/Ibrahimpattam/TSSPDCL/RR Dist
3. The DE/OP/Saroornagar/TSSPDCL/RR Dist.

... Respondents

The above appeal filed on 10.10.2014 coming up for hearing before the Vidyut Ombudsman, Telangana State on 20.01.2016 at Hyderabad in the presence of Sri. N. Bhanu Babu - Appellant and Sri. V. Kistaiah - AE/OP/Ibrahimpattam, Sri. G. Shyam Prasad - ADE/OP/Ibrahimpattam for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant is a resident of Ibrahimpattam, Ranga Reddy District who wanted shifting of the 33kv overhead line passing over his building, where two schools are located, on the Manchal road to Santosh theatre road. He claimed that the line became hazardous as four persons died in the past in view of the location of the power line. The Appellant wanted the Respondents to shift the 33

kv line to mainroad at his cost.

2. Before the CGRF, the 2nd Respondent, ADE/OP/Ibrahimpattam reported that the Appellant was addressed for consent for preparation of estimates under DCW works.

3. The 3rd Respondent DEE/OP/Sarooranagar stated that the Appellant was addressed for a consent letter along with the estimated cost of the work and after receipt of the payment, he claimed that the work would be taken up.

4. The 2nd Respondent, ADE/OP/Ibrahimpattam vide his letter dt.24.9.2012 gave the estimate for Rs 8,15,200/- for taking up the work and promised that on receipt of sanction of estimate and also payment from the Appellant, the work would be taken up.

5. The CGRF, on the basis of the record, issued a direction to the Respondents for shifting of 33kv line by 20.10.2012 by duly observing the departmental procedure in vogue, through the impugned orders. Aggrieved and not satisfied with the impugned orders and non execution of the work, the Appellant preferred the Appeal alleging that as per the estimate, he has deposited the amount with the DISCOM on 30.11.2012 and as advised, he has engaged a contractor, bought the required material by spending Rs 6,80,000/- and stored the material by the roadside as per the route map and in spite of carrying out the directions of the Respondents and meeting the Respondents and also SE, there was no progress in the work. He claimed that in view of the long delay, some of the material was stolen. The Appellant sought shifting of 33kv line by carrying out the required work. About 20 locality people also joined the Appellant in submitting this Appeal.

6. The 2nd Respondent filed a report to the effect that on payment made by the Appellant, the work has been entrusted to a registered electrical contractor M/s Sai Shree Electrical Services Pvt Ltd and when the contractor started the work by digging pits for the poles, some residents raised objection and stopped the work. He claimed that the Respondents made several efforts to convince the people of the area to cooperate with the shifting of 33kv line, which is hazardous to the people of the area, in vain. The 2nd Respondent pleaded that it was for the Appellant and the executing agency to sort out the issues regarding the right of way and local problems. The 2nd Respondent again stated that he would

complete the work within a fortnight.

7. The matter is an old one. An enormous delay in disposal occurred in getting the matter solved through the efforts of the parties herein.

8. The matter was subjected to mediation between the parties during several adjournments and the efforts failed.

Arguments heard.

9. The points for determination are:

- i. Whether the Appellant is entitled to a direction for shifting of 33kv line?
- ii. Whether the Respondents are liable for not carrying out the directions of the
CGRF?
- iii. Whether the impugned orders are liable to be set aside?

ISSUES 1 TO3

10. The Appellant sought shifting of 33kv line, which was going over his 2 school buildings. The Appellant claimed that several deaths occurred in the past due to the location of the cables and therefore, he wanted shifting of 33kv line. The record shows that the locality people are against shifting of 33kv line through the alternative route. The Appellant is not able to convince the locality people. It appears that on the side of the opposing local people, there are some public representatives also. The Appellant pleaded that at least to the extent of his school, 60 to 100 meters underground cable can be laid, which would partly cover the requirement. When the Appellant made this request, on a direction, the 2nd Respondent prepared a fresh estimate for laying Underground cable for shifting of 33kv line for Rs 19,00,000/-. The Appellant claimed that this amount is beyond his means. The suggestion of the Respondents that a road widening program is going on for which tenders were called and if this road widening is taken up, the estimate for shifting 33kv line may be favorable to the Appellant. Even this road widening appears to be not certain for now. The Respondents expressed their inability to reduce the fresh estimate of Rs 19,00,000/- to any lesser amount. The Appellant is now in a helpless condition in convincing the locality people and the people's representatives regarding the necessity of

shifting of 33kv line.

11. During the hearing, the Appellant made a mention of about one dedicated feeder of Ibrahimpatnam being laid to a factory and sought shifting of this 33kv line in that direction. The 33kv line in question, it appears, is part of 132/32kv of Turkayamjal and since the new line being laid is for a dedicated feeder, the Respondents claimed that the request of the Appellant cannot be implemented. They further stated that even this work of dedicated feeder is under obstruction from the local people.

12. The Appellant is unable to facilitate the progress of the work taken up by the contractor under the supervision of the Respondents. He is unwilling to bear the estimated cost of more than Rs 19,00,000/- for laying underground cable for shifting the 33kv line. If this is the case, one cannot expect the Respondents to implement the directions of the CGRF, which merely directed them to complete the shifting of 33kv line by 20.10.2012 duly observing the departmental procedure in vogue in a proforma manner. This is a general and laid back attitude in passing such an order by the CGRF, without examining the feasibility of execution of the order, responsibilities in the matter of both parties, which is liable to be interfered with.

13. In the matter of similar nature, Clause 5.2.4 of GTCS applies which specifies the responsibilities of both the Consumer and the DISCOM in specific terms. Clause 5.2.4 of GTCS is reproduced hereunder for clear understanding of the present issue.

Clause 5.2.4 of GTCS: 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 expense incurred in placing the supply line in accordance with the terms of the way-leave, license or sanction shall be borne by the consumer. In the event of the way-leave, license 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.

The above Clause clearly makes the Responsibility of the Consumer to get the consent of the neighbours, who are opposing shifting of the 33kv line.

14. The Appellant in the Appeal added 20 names as the persons who are adversely affected by the 33kv line. Neither the Appellant, nor these people could convince the local people for agreeing to shifting of 33kv line in this matter. The Appellant, in view of the facts, is found not entitled to a mandatory direction to the Respondents, in the absence of consent of the local people who are indirectly affected and in the absence of the ability of the Appellant to bear the cost of shifting of 33kv line amounting to Rs 19,00,000/- alternatively to shift the 33kv line which was going over the schools of the Appellant and some other houses. The issues 1 to 3 are answered accordingly.

15. In the result, the Appeal is disposed of giving an option to the Appellant that at any time if he is ready to bear the costs for laying underground cable or if he is able to convince the local affected people, he can seek shifting of 33kv line by making a fresh application to the Respondents.

Typed by cco, Corrected, Signed and Pronounced by me on this the 23rd day of January, 2016.

Sd/-

VIDYUT OMBUDSMAN

1. N. Bhanu Babu, 36-157/1, Boyawada Road, Ibrahimpatnam,
RR Dist 501 506. Cell 9912204280.
2. The AE/OP/Ibrahimpatnam/TSSPDCL/RR Dist.
3. The ADE/OP/Ibrahimpatnam/TSSPDCL/RR Dist
4. The DE/OP/Saroonagar/TSSPDCL/RR Dist.

Copy to:

5. The Chairperson, CGRF, TSSPDCL, Greater Hyderabad Area, GTS Colony,
Erragadda, Hyderabad.
6. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.