



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

Wednesday, the Twenty Eighth Day of October 2015

Appeal No. 18 of 2015

Preferred against Order Dt. 15.04.2015 of CGRF In

CG.No:13/2015 of Mahaboobnagar Circle

Between

Sri.D,Srinivas Reddy,
S/o Chenna Reddy,
H.No:1-2, Talakondapally village,
Kalwakurthy, Mahaboobnagar Dist.

..... Appellant

AND

1. The AAE/Op/Talakondapally/TSSPDCL/Mahaboobnagar Dist.
2. The ADE/Op/Amangal/TSSPDCL/Mahaboobnagar Dist.
3. The DE/Op/Jadcherla/TSSPDCL/Mahaboobnagar Dist.
4. The SE/Op/MBNR Circle/TSSPDCL/Mahaboobnagar Dist.

..... Respondents

The above appeal filed on **14.05.2015**, came up for final hearing before the Vidyut Ombudsman, Telangana State on **05.10.2015** at Hyderabad in the presence of Sri. D Srinivas Reddy - Appellant and Sri. D Chakravarthy - ADE/OP/Amangal and AAE/OP/Talakondapally for the Respondents and having considered the record and submissions of both the parties, the Vidyut Ombudsman passed the following;

AWARD

The Appellant claimed that a DTR was erected in his land in Sy.No 377 of Talakondapally without any notice and that because of the location of the DTR, he is not able to go to his field for cultivation and harvesting etc. He requested shifting of DTR from his land and when the Respondents did not take any action, he lodged a complaint with the CGRF, Mahaboob Nagar Circle.

2. Before the CGRF, the 2nd Respondent represented that for shifting of the DTR from the land of the Appellant, he has to give a consent letter to bear 100% estimated cost and 10% supervision charges for taking up the work on turnkey basis, that too after getting sanction from the higher officials. In that process, the second Respondent has submitted an estimate to the Divisional Engineer, the 3rd Respondent for getting sanction.

3. The 1st Respondent stated before the CGRF that he has prepared the estimate for shifting 100 KVA DTR and if the Appellant gives consent for payment of the estimated amount, the work will be executed. The Appellant specifically stated before the CGRF that he would bear the charges for shifting the DTR on receipt of the demand notice.

4. After hearing and on consideration of the material on the record, the CGRF through the impugned order, directed the Respondents to take up the work after receipt of the necessary charges and report compliance.

5. Aggrieved and not satisfied with the impugned orders of the CGRF, the Appellant preferred the present Appeal stating that without his consent, the DTR was erected near his house causing inconvenience and danger and it is obstructing his way to his field and that since he is a poor person, the persons who erected the DTR may be punished.

6. The 3rd Respondent submitted a reply stating that the 100 KVA DTR SS No. 49 of Talakondapally Town was erected about 10 years back to supply electricity to 150 domestic consumers and none raised any objection about DTR so far. The DTR is located 20 feet away from the house of the Appellant and it is not obstructing the way to the fields of the Appellant. He stated that by the side of the DTR, there was no cultivation for the last 5 years. He has submitted 5 photographs in support of his claim about non cultivation of the nearby land and location of the DTR.

7. The 3rd Respondent further submitted that as a general practice, 100 KVA distribution transformer will be erected at the load center as in the present case, in the interest of public. In practice, he claimed that the DISCOM is not supposed to give any notice to anybody before erecting the pole or DTR, because all constructions are made in the interests of public and that neither the Appellant, nor any consumer got disturbed with the location of the present transformer.

8. The 3rd Respondent submitted through his letter dt. 11.07.2015 that as per the oral directions of the Vidyut Ombudsman given on 23.06.2015, he visited the site along with

the Appellant for taking steps to shift the DTR at the place indicated by the Appellant. It is found that the alternative site shown by the Appellant was that of Shri. K Ram Reddy who stated on phone that he does not have any objection for shifting 100 KVA DTR on condition that the Appellant bears the shifting charges as required by the DISCOM. This is in contrast with the claim of the 2nd Respondent about 23 days later.

9. The Appellant addressed a letter dt.13.07.2015 asserting that the DTR was erected originally without taking his consent in his land, which is obstructing his passage to his field and it is dangerous for all. He sought shifting of the DTR and imposing fine on the staff of the DISCOM.

10. The 2nd Respondent through his letter dt. 5. 8.2015 reported that he approached the neighbouring landowner on 3.8.2015 by name Sri K. Ram Reddy in Hyderabad to know whether he consented to locate the present DTR in his land. He stated that Shri. K Ram Reddy was not willing to get DTR erected near his house and handed over copies of documents showing that the landowner is Smt. K Anupa, W/o Shri. Ashok Reddy.

11. Lastly the 2nd Respondent through his letter dt. 23.9.2015 stated that the Appellant had failed to give consent letter to bear the expenditure for the estimated cost under DCW and therefore, the proposal could not be approved and work was not taken-up. He further stated that the DTR was erected in 2008 along the edge of the field and about 10 meters distance from the house of the Appellant and no disturbance is being caused to him.

12. The matter underwent several adjournments by way of mediation to get the matter settled. The Appellant denied that he ever consented to bear the charges for shifting the DTR, while the Respondents took a stand that because the Appellant failed to bear the charges for shifting DTR, no further steps could be taken at their end. Thus the Matter could not be settled in view of the two parallel stands, leaving the matter for disposal on merits.

13. After hearing arguments and on consideration of material on record, the following points arise for determination:-

1. Whether the Appellant is entitled to get the DTR shifted from the present location?
2. Whether the Appellant agreed to bear the charges for shifting the DTR?
3. Whether the Appellant is able to show any alternative site for locating DTR?
4. Whether the impugned orders are liable to be set aside?

Points 1 to 3

14. The Appellant claimed that the DTR was erected in his land without his consent, which is causing inconvenience to him and obstructing his way to his fields located on the other side of the DTR. Exactly when DTR was erected is not on record. The Appellant, also for strategic reasons, failed to give the approximate date of erecting DTR, obviously in his field. The DTR is located about 20 feet distance from his house on the right side as shown in the photographs.

15. It is hard to believe the version of the Appellant that his consent was not taken at the time of erection of DTR. It is located about 20 feet from his residential house. Especially when he claims that the location of the DTR is obstructing his passage, he should have been alert when DTR was being erected. He kept quiet for a very long time and now he is making a claim that he was not given any notice before erecting the DTR. The photographs clearly point to the acquiescence of the Appellant in erection of the DTR in his field long back and not recently as alleged by him.

16. Before the CGRF, the Appellant asserted that he would pay the shifting charges on receipt of demand notice. The Appellant has to show the alternative site to shift DTR or the Respondents have to search for any alternative site. The Respondents expressed their inability to find a suitable place for erecting DTR and so also the Appellant. The Appellant claimed that there is a platform raised near by in the land of his neighbour, where the DTR could be shifted.

17. The 2nd Respondent found out that the alternate site shown by the Appellant for locating the DTR belongs to the agnate of the Appellant by name Sri. Ram Reddy where the Appellant wanted the DTR to be shifted. Shri Ram reddy, the agnate of the Appellant refused to give consent for locating DTR in his site as reported by the 2nd Respondent through his letter dt. 5.8.2015. The 2nd Respondent himself on 5.10.2015 across the bar stated curiously that his agnate Sri. Ram Reddy had encroached on to his land and there is a FIR pending. In this part of the land, the Appellant wanted the Respondents to shift DTR from the present location. Nowhere else except on the date of hearing on 5.10.2015, the Appellant admitted that the alternative site shown by him is a matter in dispute between him and Shri. Ram Reddy.

18. There is lack of bona fides on the part of the Appellant in seeking shifting of DTR to the land in possession of Shri Ram Reddy, his agnate who is not willing the DTR to be

located in his land. Further, the Appellant though admitted before the CGRF by way of statement that he would bear the DTR shifting charges on receipt of demand notice, refuted this admission saying that he had not agreed to bear the shifting charges, questioning how could a poor person like him be fastened with the liability to bear the shifting charges'.

19. The original record in CG No. 13/2015 from the CGRF Is called for and examined. In his statement the Appellant stated before the CGRF as follows:

“ That a DTR was kept in our field Survey No. 377, wherein we have a house. This transformer(was) erected without any notice. It is causing inconvenience to enter our field. Hence it is requested to shift the transformer. I agree to pay the shifting charges after receipt of demand notice.“

This statement of the Appellant bears the signature of the Appellant at two places. The Appellant cannot deny this statement given by him before the CGRF. His about-turn in the matter on the question of bearing the charges of around of Rs 93,890/-, the estimated cost for shifting DTR, cannot be accepted as genuine. He wanted to take on his agnate Sri Ram Reddy, with whom he had disputes alleging encroachment and pendency of FIR to get the transformer shifted to that place.

20. The photographs on record filed by the Respondents show that the location of DTR and DTR itself is not a matter for alarm or danger to anybody much less to the Appellant and the passage for the Appellant to go to his field is not obstructed in anyway, as rightly claimed by the Respondents. The explanation given by the Respondents for not implementing the directions of CGRF for shifting of DTR on the ground of non receipt of consent letter, not paying the shifting charges and for lack of suitable alternative site for locating DTR, is accepted as genuine and proper. The Appellant therefore is found not entitled to any of the reliefs sought in this Appeal. The issues 1 to 3 are answered accordingly.

21. **Point No .4** the Appeal is dismissed confirming the impugned orders.

Corrected, Signed & Pronounced on this the 28th day of October, 2015.

Sd/-

VIDYUT OMBUDSMAN

1. Sri.D,Srinivas Reddy,
S/o Chenna Reddy,
H.No:1-2, Talakondapally village,
Kalwakurthy, Mahaboobnagar Dist.
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5. The SE/Op/MBNR Circle/TSSPDCL/Mahaboobnagar Dist.

Copy to:

6. The Chairperson, CGRF, Rural, TSSPDCL, Vengal Rao Nagar Colony,
Erragadda, Hyderabad.
7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.