



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

Monday, the Twenty Second Day of August 2016

Appeal No. 25 of 2016

Preferred against Order Dt. 17-02-2016 of CGRF In
CG.No: 122/2016 of Mahaboobnagar Circle

Between

Sri Basheeruddin and others, H.No.1-10-87/3/F, Shah sab Gutta,
Mahaboobnagar-509 001, Cell-9849767994.

... Appellant

AND

1. The AAE/OP/MBNR Town-3/TSSPDCL/Mahaboobnagar Dist.
2. The ADE/OP/MBNR Town/TSSPDCL/Mahaboobnagar Dist.
3. The DE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
4. The SE/OP/Mahaboobnagar Circle /TSSPDCL/Mahaboobnagar Dist.

... Respondents

The above appeal filed on 28.04.2016 coming up for hearing before the Vidyut Ombudsman, Telangana State on 17.08.2016 at Hyderabad, in the presence of Sri. Basheeruddin - Appellant and Sri. T. Venu Gopal - AAE/OP/MBNR Town-3 for the Respondents and having considering the record and submissions of both the parties, the Vidyut Ombudsman passed the following:

AWARD

The Appellants are residents of Shah sab Gutta, Mahaboobnagar. They claimed that HT lines laid over their residential houses at Shah sab Gutta became dangerous to them and therefore, sought immediate shifting of electric lines and poles and to that effect, lodged a complaint with the CGRF.

2. The 1st Respondent AE/OP/MBNR Town III through a letter dt.6.2.2016 represented that the sag between the poles is very long and there is danger to the public who pass by the road and to the heavy vehicles and requested for shifting of the

transmission lines to a safety zone. He submitted that the 11kv Shah sab Gutta feeder is passing over the houses since a long time and that earlier before 1993 this line was getting feeding from 132 KV MBNR Sub Station . Thereafter, the line was getting feeding from 33/11 KV SLC mills substation. Before 1993, there were no houses in the locality and now houses and several constructions have come up below the 11 KV line. He addressed a letter to the Appellant to give consent letter for payment of shifting of concerned lines. After receiving the consent letter from the consumer, he stated that he would get the necessary estimates prepared and the work taken up.

3. Before the CGRF, the Appellant requested shifting of 11KV line going over their houses in the locality and about the danger the lines posed to the people and submitted several photographs showing the present position of the overhead lines and pleaded for shifting of the lines.

4. The 2nd Respondent ADE/O/MBNR Town claimed that 11KV S.S. Gutta feeder has been passing over the houses since a long time and it was being fed from 132 KV Mahaboobnagar Sub Station long before the year 1993 when there were no houses in the locality. She stated that the construction of houses came up under 11KV line and then the consumers made a request to shift the 11 KV line. She also stated about a letter addressed to the Appellants for seeking consent letter for payment of necessary shifting charges for the lines.

5. After examining the material on record and claim of the Respective parties, the CGRF directed the Respondents to shift the lines by duly following the procedure in vogue and report compliance through the impugned orders.

6. Aggrieved and not satisfied with the impugned orders, the Appellants preferred the present Appeal claiming that there is urgent need for shifting of HT lines over their residential houses, which are posing danger to them and other residents and also the people and that the sag between the poles is very long and therefore, it is necessary to shift the lines. The Appellant also filed photographs showing the location of the lines and the danger they posed to the residents. The Appellants further claimed that they are not in a position to incur the huge expenses of Rs 5,00,000/- in view of their financial position for shifting of the lines and that they are very poor people and now requesting the DISCOM to shift the lines.

7. In the Appeal, the 2nd Respondent/ADE/O/MBNR Town through a letter dt.31.5.2016 stated that the line was getting feeding from 132 KV Mahaboobnagar Sub Station before the year 1993 and thereafter, the 11 kv Shah sab Gutta feeder has been getting feeding from 33/11 KV SLC mills Sub Station. Before 1993, he stated that there were no houses in the locality and that these houses came up later, only below the 11KV line. The Appellants, he stated that without giving the consent letter to bear the expenses for shifting the lines, have rushed to prefer the present appeal.

8. The 1st Respondent/AE/O/Town III on direction in the Appeal, submitted an estimate for shifting of 11KV Shah sab Gutta feder passing over the houses of the Appellants, for Rs 2,91,883.76 which the Appellants pleaded helplessness to bear. He also filed a rough sketch for shifting of the power lines, that too after deposit of the required estimated amount.

9. Efforts at mediation have not succeeded in ending the dispute, because the Appellants are not willing to bear the cost of shifting the 11KV line and the Respondents are claiming that the houses in question have come up under the 11KV line after 1993 and therefore, the Appellants have to bear the expenditure.

Arguments heard.

10. On the basis of the material on record and arguments, the following issues arise for determination:

- a. Whether the Appellants are entitled to shifting of 11KV Shah sab Gutta feeder line passing over their houses?
- b. Whether the Respondents are liable to shift the 11KV lines bearing the expenditure?
- c. Whether the impugned orders are liable to be set aside/

Issues 1 to 3

11. The Appellants are residents of Shah sab Gutta. The 11KV Shah sab Gutta feeder lines have been passing over the houses of the Appellants since a long time. Before the year, 1993 the 11KV line was getting feeding from 33/11 KV SLC mills Sub Station. These are the facts admitted. The houses of the Appellants came up in the locality after, 1993 about which there is no denial. The sag between the poles is also more

because of the distance between the poles. These lines are posing danger to the Residents which is also a fact not denied.

12. When the Appellants sought shifting of the 11KV line, the Respondents have been willing to shift the lines, only on the Appellants giving the consent for bearing the cost of shifting. On directions in the Appeal, the Respondent No.1/AE/OP/MBNR Town-III prepared an estimate costing Rs 2,91,883.76 along with a rough sketch showing the proposed dismantling and rerouting of the 11KV line. The Appellants are not ready to bear the cost of shifting the line and give consent letter.

13. During the course of the hearing, the Appellants have been informed about the need for shifting of lines by making a representation to the municipality of Mahaboobnagar. Whether the efforts of the Appellants have succeeded or not is not on record. The Appellants are at liberty to approach any public authority or the concerned municipality for meeting the cost of shifting of the lines. The Appellants have filed 6 photographs showing passing of 11KV line over their houses and by the side of their houses. It is seen from the photographs that there is no gap between some of the poles and the houses constructed without leaving any setback etc. It is surprising that some of the poles are located actually inside the houses. Some poles are covered by compound walls, which show poorly of the civic sense and responsibility of the consumers. When they were constructing their houses, if the house sites were their own, they could have requested the DISCOM to shift the poles, which they did not. From the side of the DISCOM, they have fixed the poles and laid the 11KV line when there were no houses at the spot. There is no responsibility, under the circumstances, on the part of the DISCOM, to bear the expenses and shift the present lines. If the Appellants are interested, they may take the help of the Respondents, who prepared the estimate and drew sketch for shifting the lines, by depositing the estimated money and giving consent letter to get the lines shifted. Though in a sense the CGRF gave correct directions, but the order lacked reasons. The Issues are answered accordingly.

14. In the result, the Appeal is disposed of holding that:

- a. The Appellants with eyes wide open, have constructed their houses under the 11KV line posing danger to themselves and to others and therefore, they are not

- entitled to a direction to the DISCOM to shift the 11KV line bearing the expenditure.
- b. Only on the Appellants giving consent letter and meeting the expenditure for shifting the 11KV lines, the Respondents are liable to shift the 11KV lines and not otherwise.
 - c. The impugned orders are confirmed.

15. This award shall be implemented within 15 days of its receipt at the risk of penalties as indicated in clauses 3.38, 3.39, and 3.42 of the Regulation No. 3/2015 of TSERC.

TYPED BY CCO, Corrected, Signed and Pronounced by me on this the 22nd day of August, 2016.

Sd/-

VIDYUT OMBUDSMAN

- 1. Sri Basheeruddin and others, H.No.1-10-87/3/F, Shah sab Gutta, Mahaboobnagar-509 001, Cell-9849767994.
- 2. The AAE/OP/MBNR Town-3/TSSPDCL/Mahaboobnagar Dist.
- 3. The ADE/OP/MBNR Town/TSSPDCL/Mahaboobnagar Dist.
- 4. The DE/OP/Mahaboobnagar/TSSPDCL/Mahaboobnagar Dist.
- 5. The SE/OP/Mahaboobnagar Circle /TSSPDCL/Mahaboobnagar Dist

Copy to:

- 6. The Chairperson, CGRF - 1, TSSPDCL, GTS Colony, Vengal Rao Nagar, Erragadda, Hyderabad.
- 7. The Secretary, TSERC, 5th Floor, Singareni Bhavan, Red Hills, Hyderabad.