

VIDYUT OMBUDSMAN
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 07-06-2012

Appeal No. 32 of 2012

Between

Sri. Veenem Sriram
Door No. 3-42, Sivalayam Street,
Vuyyuru – 521 165. Krishna District

... Appellant

And

1. Divisional Engineer / Operation / APSPDCL / Vuyyuru

....Respondents

The appeal / representation dt.06.11.2011 received by this authority on 14.11.2011 against the CGRF order of APSPDCL in C.G. No. 311 / 2011-12 Vijayawada Circle Dt.29.10.2011. The same has come up for final hearing before the Vidyut Ombudsman on 31.05.2012. Appellant absent. Sri. P. Vinod Kumar and Sri. A. Jaya Raju, Advocates on behalf of respondents present. Heard the parties and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The petitioner filed a complaint before the CGRF against the Respondents for Redressal of his Grievances. In the complaint, he has mentioned about his grievances as hereunder:

The junction box of the cable operator fixed to a pole near by his house and there is no response from the officials and requested the Forum to order

removal of the junction box and the cable wire as they are climbing their parapet wall causing disturbance at odd hours.

2. The Forum passed the following order at the admission stage :

*“The grievance of the complainants relates to “**Orientation of lines**”, which will not come under the purview of the Forum as per the standards of performance communicated by the APERC in regulation No: 7/2004”.*

Hence the complaint is disallowed at the stage of admission.

However the consumers/complainants are advised to approach the Divisional Engineer/Operation/Vuyyuru in this regard.

3. Aggrieved by the said order, the appellant preferred this appeal questioning the same that in spite of lapse of one year, the status quo is being maintained and they continued to disturb them by climbing their compound wall / parapet wall of the first floor of the building on many occasions. It is also further contended that it was brought to the notice of DE APSPDCL, Machilipatnam but did not yield any response. Hence, he approached the Hon'ble Forum for Redressal. It is also further stated that in response to his petition, the Forum has summarily rejected at the stage of admission itself as the grievances allegedly does not come under their purview and further advised me to approach the Divisional Engineer / Operations / Vuyyuru in this regard and that the impugned order is liable to be set aside by issuing suitable direction to the concerned officials.

4. Now the point for consideration is, whether the impugned order is liable to be set aside? If so on what grounds ?

5. The appellant failed to attend before this authority at the time of hearing on 31.05.2012. The respondents submitted a copy of the letters addressed by him dated 06.02.2012.

6. In the said letter, it is mentioned “with lot of persuasion from time to time with various authorities of APSPDCL, including the concerned officials, the junction box fitted to the Electric Pole adjacent to his house was removed at last. However, the additional wire left coiled together and allowed to remain / hang on to the running

cable wire itself. This is allowing the concerned men of the cable connecting authority taking opportunity to climb the Parapet wall of his building occasionally disturbing them at odd hours of night time. It is therefore, requested to arrange removal of the additional cable wire hanging to the running cable at an early date”.

7. Sri. P. Jai Raj Advocate who appeared on behalf of the respondents stated, that the removal of cable wire is not within the preview of the department as it is due to the licence obtained by the cable operator from the department i.e. Municipality or Panchayat and the appeal filed by the appellant is liable to be dismissed.

8. As per the representation submitted by the appellant, the shifting of junction box is resolved. He insisted the removal of the cable wire as they are climbing the Parapet wall of his building occasionally disturbing at the odd hours of night time. The running of cable wire is only by obtaining licence of permission from the department either with by the Municipality or Panchayat or Electricity department.

9. The cable fellow has no right to climb the parapet wall of appellant’s building. If he does so, it is an offence attracting the ingredients of house trespass defined under section 448 of Indian Penal Code. He can initiate suitable action under Indian Penal Code; but not by approaching this authority to remove the cable which is being run under a license or permission. Therefore, the appeal filed by the appellant is not maintainable under law and he is at liberty to approach the concerned authorities for proper action but not by approaching this authority, as it is not a consumer dispute.

10. In the result, the appeal is dismissed. No order to costs.

This order is corrected and signed on this day of 7th June, 2012

Sd/-
VIDYUT OMBUDSMAN