

VIDYUT OMBUDSMAN
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500004.

Present

K. Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated. 09.11.2012

Appeal No. 63 of 2012.

Between

Sri. Velamarthi Srinivasa Rao
S/o. Dana Raju,
Doddigunta Village,
Rangampeta Mandal,
East Godavari (Dist).

...Appellant

AND

1. Assistant Engineer/Operation/APEPDCL/Rangampeta / EG Dist
2. Asst. Divisional Engineer/Operation/APEPDCL/Jaggampeta / EG Dist
3. Divisional Engineer/Operation/APEPDCL/Jaggampeta/E.G. Dist./ Dist

...Respondents

The appeal / representation was received by this authority on 11.09.2012 against the CGRF order of APEPDCL C.G.No. 19/2012-13 of E.G. District dated 24.05.2012. The same has come up for final hearing before the Vidyut Ombudsman on 15.10.2012 at Visakhapatnam. Sri. Velamarthi Srinivasa Rao appellant present. Sri. K.V. Krishna Rao AAE (O) Rangampeta present on behalf of the respondents. Heard the arguments of the parties and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following:

AWARD

The case of the complainant is that though there is electrical line existing new electrical line is erected in his field, damaging his field. Hence approached the Forum for shifting of the new line from his field.

2. The 2nd respondent filed his written submission as detailed below.

The 2nd respondent has personally inspected the premises of Sri Velamarthy Srinivasarao of Doddigunta (V) and noticed that 60 m (approximately) 11 KV

line was erected in his field by Vishwandh Projects under HVDS scheme under the supervision of Construction wing, Jaggampeta. The Operation wing having no involvement of these HVDS works.

New Lines routing, Conversion of existing lines usually depend on the field conditions and decided by the construction wing. Hence, the operation wing is having no involvement in HVDS works.

Further, the Complainant in his Complaint, ought to have complained against the Construction AE and ADE but not Operation AE and ADE.

3. The Forum taking into cognizance of the written submission of the Respondent, the following Order is passed.

“The Divisional Engineer/Operation/Jaggampeta is herewith directed that the construction wing of Jaggampeta may be instructed to look into matter towards 11 KV line erected in his agricultural field at Daddigunta (V), Rangampeta (M) if necessary orders should be issued to HVDS contractor for re-erection of said line immediately to avoid unnecessarily complications from village farmers.

The complainant is herewith advised that he may approach Divisional Engineer/Operation/Jaggampeta for rectification of above problem Utsupra. Accordingly, the C.G. No. 19/12-13 is disposed off.”

4. Aggrieved by the said order the appellant preferred this appeal questioning the impugned order on the following grounds.

The petitioner further has submitted a complaint to the Forum that 11 KV line was installed in his land with out his knowledge and the Forum has ordered for removal of the KV line, but the respondents did not do it on the ground that it was with construction department and requested this authority to do justice in implementing the order.

5. Now the point for consideration is, whether the appellant is entitled for any direction? If so in what manner?

6. The appellant Sri. Velamarthi Srinivasa Rao appeared before this authority on 15.10.2012 and stated that the respondents laid the line in his field without his consent to provide power to some other, ignoring the original sketch and the Forum has also directed to remove the same, though there is a possibility to shift the same through the tank and a direction may be given to a remove the same and implement the orders of the Forum.

7. The respondents are represented by Sri. K.V. Krishna Rao, AAE /O and stated that there is no other way to shift the same and the village elders have also resolved the same and he has submitted papers to that effect.

8. The appellant has submitted some photographs to show that the department was laying electric line through the tanks also and requested to shift the same in the alternate way but the AAE states that there is danger if live wire is cut and fallen in to the tank and all the persons and living animals and fish in the tank would die.

9. In the letter dated 05.10.2012 addressed by ADE (Construction) to Divisional Engineer (Construction) stated

“Upon receiving the letter vide reference 3rd cited, again the ADE / Con / JPT and AE / Con / JPT has inspected the filed along with field staff on 30.09.12 to fin an alternative path to re-route the line as the consumer Sri. Velamarthy Ammiraju is not accepting the laid line to re-route and the consumer Sri. Velamarthy Srinivasa Rao is not accepting to exist the laid line in the common path. More over by knowing the problem, the adjacent farmers are objecting to laid lines through their fields. Hence, we did not find any alternative path to re-route the line.

In this connection, it is to submit that, if at all the consumers Sri. Velamarthy Srinivas and Sri. Velamarthy Ammiraju shows an alternative path to draw the line, the construction wing has no objection to re-route the line and contractor has accepted to complete the work.”

10. No body would expect that the line should go though his land effecting his failed and crops as the stay wires and poles would occupy the land portion. So the approach made by the appellant is correct for removal and the Forum has rightly ordered for removal. It can not accept the plea that the construction department is in charge of it. It is also not at the mercy of the owner who is having motor in his filed as he is not entitled to have his connection through the lands of others, causing loss or damage to the crops of others. If the proposal of the appellant as mentioned in the above said letter is not effecting the land of Ammiraju, his consent or willingness is not necessary as the department is not his mercy. If taking of line as suggested by the appellant is effecting the land of the said neighbours it can be taken through the tank by taking all precautions as shown in the photographs filed before this authority.

11. It is the bounden duty of the respondents and in turn the Construction Department have to implement the orders of the Forum. If they fail to comply, necessary orders will be passed for violation of the orders u/s 146 of Electricity Act, 2003.

12. In the result, the respondents are directed to have the proposal as suggested in the above said letter of the ADE, construction without affecting the land of the neighbours for which this willingness consent is not necessary. As a last resort it may be taken as shown in the photographs. The appellant is directed to file the photographs before the ADE, construction. With this observation the appeal is disposed. No order as to costs.

This order is corrected and signed on this day of 9th November, 2012

Sd/-
VIDYUT OMBUDSMAN