

BEFORE THE VIDYUT OMBUDSMAN

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated: 19-02-2013

Appeal No. 2 of 2013

Between

Sri Ch.Kali Prasad Rao

D.No. 21.79

Srinivasanagar, Simhachalam post

Visakhapatnam- 28.

... Appellant

And

1. Asst Engineer/Operation/Rural /APEPDCL/Gopalapatnam
2. Asst Divisional Engineer/Operation/ APEPDCL/ Gopalapatnam
3. Divisional Engineer/Operation/ Zone-III/APEPDCL/ Visakhapatnam

....Respondents

The appeal / representation dated 24.12.2012 (received on 29.12.2012) of the appellant has come up for final hearing before the Vidyut Ombudsman on 29.01.2013 at Viakhapatnam. Sri Ch.Kali Prasad Rao, Appellant and Sri A.Ananta Rao, ADE/O/Gopalapatnam for respondents present and having stood over for consideration till this day, the Vidyut Ombudsman passed / issued the following :

AWARD

The appellant filed a complaint against the Respondents for Redressal of his Grievances and stated as hereunder:

“He filed a complaint stating that electrical line is passing over their residential building, hence approached the CGRF for arranging to be shifted to other safest place.”

2. The respondent-2 submitted his written submissions as hereunder:

“The 11KV SR Puram feeder is emanating from 33/11 KV Simhachalam SS at Viratnagar in Gopalapatnam (R) Section and the line was erected long back (i.e above 30yrs) over vacant place. At that time there were no houses. Later the houses were constructed underneath the lines at Srinivasanagar

area without taking any safety measures and also advised the consumers who are construction the houses underneath the lines several times for applying the shifting of the existing 11KV lines, but no consumer has come forward for registration of application at CSC, Gopalapatnam for shifting of lines.

Further due to heavy gale and wind on 20.08.2010, the stay wire located in the compound wall of Sri.Datta Mahadevi Brahmanandam, H.No. 20.178 of SC.No. 298 of Srinivasanagar was cut and the pole was leaned. Immediately to attend the line for rectification of stay wire in the compound wall. There is no provision for other alternative for erection of stay wire at that place. However the consumer requested and erected the MS stay set at maximum possible with complete shape in the consumer compound wall. Hence the pole leaned was rectified duly providing stay wire and later on the top of the pole slightly leaned condition. The existing 8mts pole, 300kgs in 90 degrees is in good condition and it is not necessary to replace with 9.1 mtr pole. As there is no provision for erecting of MS stay set, if existing pole is replaced with 9.1mtr pole as shown in the sketch.

The complainant was advised to register an application at CSC Gopalapatnam for shifting of lines which were passing over complainant house. But he was not turned up for registration of application at call centre.

Further the complainant now came forward and registered an application vide Registration No. CSCGPT993, dated 02.05.2012 for providing of intermediate pole with 9.1mtr to maintain vertical clearance from the building, but not for shifting of lines. As per request of consumer vide CSC GPT Registration No. 993, dated 02.05.2012, that the work will be completed within 15 days after receipt of the payment form the consumer.”

3. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

- ***The Complainant Consumer is hereby directed to pay the estimate charges immediately for providing of intermediate pole.***
- ***All the Respondents are hereby directed to take further necessary action after receipt of the estimate charges accordingly.***
- ***The respondents are hereby directed to take suitable permanent solution as a precautionary measure to avoid future electrical accidents.***

The C.G. No. 06/12-13 is disposed off with no costs.

4. Aggrieved by the said order, the appellant preferred this appeal questioning the same that he has paid the amount as determined to shift the line and the same was completed by changing 2 phase wires leaving 3rd phase wire which is hanging at a height of 7 feet and there is no every possibility of danger to the human beings,

cattle, etc due to the hanging wire and inspite of his requests, they have not attended to and they have approached the Forum and requested to complete the work and to grant compensation for the delay of 3 ½ months caused.

5. Now, the point for consideration is, whether the impugned order is liable to be modified. If so, in what manner?

6. The appellant present on 29.01.2013 at Visakhapatnam and stated that the work is completed now, but he is insisting for compensation as per the Standards of Performance.

7 Whereas, the respondents are represented by Sri A.Ananta Rao, ADE/O/Gopalapatnam and submitted a memo to the effect that the work was completed on 28.01.2013 i.e., one day prior to the date of hearing before this authority.

8. It is clear from the very memo that the work is completed by lifting the hanging wire by fixing a clamp as required, so, danger is avoided. So far as compensation is concerned, no provision is incorporated in the Standards of Performance to award compensation for such repair. Therefore, it is not possible for this authority to award compensation. Probably that may be the reason for the Forum for avoiding payment of compensation.

9. In the result, no compensation is awarded as the order is complied. No order as to costs.

10. With this observation, the appeal is disposed.

This order is corrected and signed on this day of 19th February 2013

Sd/-
VIDYUT OMBUDSMAN