



**BEFORE THE VIDUYUT OMBUDSMAN  
Andhra Pradesh :: Amaravathi**

:: Present ::

**N. Basavaiah, B.Sc. B.L.**

Date: 08-03-2022

Representation No.40 of 2021-22

Between

Smt. Ch. Prasanthi Kumari, W/o. Hari Prasad Babu, Near United Christian Assembly, Opp. Padmaja Theater, Thadivari Group, Malkipuram, E.G. Dist.– 533 253 ... Complainant

**And**

1. The Assistant Engineer / Operation / APEPDCL / Malkipuram
2. The Assistant Divisional Engineer / Operation / APEPDCL / Razole
3. The Divisional Engineer / Operation / APEPDCL / Amalapuram ... Respondents

**ORDER**

The above representation came up for final hearing, by way of Video Conferencing, before me at the office of the Viduyut Ombudsman, Vijayawada on 02-03-2022. The representative of the complainant, and the respondents 1 to 3 were present. Having considered the representation and the submissions of the parties present, the Viduyut Ombudsman passed the following:

1. This representation has been submitted by the complainant after the ***Forum for Redressal of Grievances of the Consumers in Eastern Power Distribution Company of A.P Limited, Visakhapatnam*** determined the complaint ***in C.G.No.143 of 2021 on 17<sup>th</sup> day of January, 2022 directing the respondents to maintain the subject matter of the line and DTR by taking all necessary precautions as per technical standards to avoid any untoward incident and further directing them to shift the DTR if the complainant pays necessary***

***estimate charges and shows proper alternative place for shifting of the DTR after registering an application at the concerned mee -seva for the above purpose.***

2. The case of the complainant is that in the street opposite to 'Padmaja Theater' at Malkipuram village, there is a transformer abutting her house having two electricity service connections, and it is a busy and dangerous locality, that as and when transformer fires occur due to natural calamities, the electrical wires fall down resulting flames causing damage to her household articles and electrical items, that once two persons died there due to electrocution due to snapping of wires, that the existence of the transformer endangers the lives of those in the house and that therefore, she prays to pass an order for shifting of the transformer to the place abutting the road side margin by two poles.

3. The first respondent alone filed response stating that the above DTR was erected at road side of 10 feet panchayat road in the year 1995, that the complainant got a building with shopping complex constructed recently in the same survey number and that as the complainant has to bear the expenses and show the place for shifting the DTR as per the procedure and as she did not do so, her application for the above purpose was rejected previously by the department.

4. Exs.A1 and A2 were marked. After considering the material available on record, the Forum passed the order as stated supra. Not satisfied with the above order, the complainant preferred this representation alleging that as she has no capacity to pay the shifting charges or show the space for erecting the transformer, and as such, she prays to pass an order to get the above things done at the Government cost.

5. The representative of the complainant submitted that the department people got the transformer erected about 10 years ago in the site of the complainant

saying that they were erecting the transformer because of urgency, and would shift it within a short time, that they believed the above promise made by the department people, but the department people are now telling otherwise and that their building has been in existence since the time of erecting the transformer. Submitting the facts stated in the response, the first respondent further submitted that the department people never made any promise as stated by the representative of the complainant and that they would follow the order of the Forum.

6. The following point is framed for consideration:

**Whether the representation can be upheld?**

7. Point: Except the facts that the building of the complaint and the transformer are in the same survey number and that the existence of the transformer abutting the building of the complainant endangers the lives of persons, the remaining facts are in dispute. The submissions of the complainant that the department people got the transformer erected about 10 years ago in the site of the complainant saying that they were erecting the transformer because of urgency, and would shift it within a short time, that they believed the above promise made by the department people, but the department people are now telling otherwise and that their building has been in existence since the time of erecting the transformer, cannot be easily believed without pleading and evidence. The fact that the transformer is in the site of the complainant or on the margin of the panchayat road can only be decided by a civil court and cannot be decided by this authority. According to the first respondent, the complainant got the building constructed recently. Even the respondents did not produce any document to accept their case that the transformer was erected in 1995 and that the building is recently constructed. However, silence on the part of the complainant for ten

years is a strong circumstance against the submission made on behalf of the complainant that the building has been in existence since the time of erecting the transformer. In my view, the electricity transformer cannot be shifted without paying full cost of the shifting works of the said electricity transformer. That the complainant has no financial capacity to pay full cost of the shifting works of the said electricity transformer is not a relevant consideration. That the complainant is aggrieved by any act of the licensee is not shown in this case. The representative of the complainant did not show me any provision of law that this authority can grant relief at the cost of the Licensee/Government as stated by the complainant in her representation in the present facts of this case. For the above reasons, I am of the view that the complainant is not entitled to the relief as sought for in the complaint and that the representation cannot be upheld and is liable to be dismissed. This point is, thus, answered.

8. In the result, I dismiss the representation without costs.

A copy of this order is made available at [www.vidyutombudsman.ap.gov.in](http://www.vidyutombudsman.ap.gov.in)

This order is corrected and signed on this the 8<sup>th</sup> day of March, 2022.

**Sd/- N. Basavaiah**  
**VIDYUT OMBUDSMAN, AP**

**To**

1. Smt. Ch. Prasanthi Kumari, W/o. Hari Prasad Babu, Near United Christian Assembly, Opp. Padmaja Theater, Thadivari Group, Malkipuram, E.G. Dist.
2. The Assistant Engineer / Operation / APEPDCL / Malkipuram
3. The Assistant Divisional Engineer / Operation / APEPDCL / Razole
4. The Divisional Engineer / Operation / APEPDCL / Amalapuram

**Copy To:**

5. The Chairperson, C.G.R.F., APEPDCL, P&T Colony, Seethammadhara, Near Gurudwara Junction, Visakhapatnam – 530 013.
6. The Secretary, APERC, 11-4-660, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills, Hyderabad - 500 004.