

## THE ELECTRICITY OMBUDSMAN, UTTARAKHAND

Shri Sukhdev Kukshal  
Village Pendula, Patti Akri,  
P.O. Duggada,  
Distt. Tehri Garhwal, Uttarakhand

Vs

Executive Engineer,  
Electricity Distribution Division,  
Uttarakhand Power Corporation Ltd.  
Srinagar, Distt. Pauri Garhwal, Uttarakhand

Representation No. 17/2019

### **Order**

Date: - 12.06.2019

The petitioner, Shri Sukhdev Kukshal aggrieved with the order dated 16.03.2019 of Consumer Grievance Redressal Forum, Srinagar zone (hereinafter referred to as Forum) has requested that he be given justice by removing the encroachment of UPCL on his agricultural land or alternatively by way of due compensation to him by UPCL.

2. The case in brief is that petitioner, while he was employed in Defense Establishment in Dehradun had given his land on tenancy. UPCL (taking advantage of the absence of owner of land), spread a web of wires through his fields because of which he is unable to either work the land or sell it. He has also alleged that not only is his agricultural land compromised by this action of UPCL, his house has also become unsafe. Petitioner is aggrieved that while Forum agreed that the wires drawn through the mango trees must be removed, but they observed that they do not have the authority to shift the transformer or pole and hence petitioner is dissatisfied with the order of the Forum.
3. Forum, in their order dated 16.03.2019, have mentioned that after a site inspection they have been informed by opposite party that the line passing next to the mango tree will be shifted to a nearby pole for which opposite party are free, but they have quoted from provisions of UERC (Appointment of Members and Procedure to be followed

by the Forum for Redressal of Grievances of the Consumers) Regulations, 2019, chapter 3 Jurisdiction and Proceedings of Forum, Regulation 3.1 (5) and have observed that they do not have the authority to hear complaints pertaining to shifting of electrical equipment, line or pole. Further, they have also observed that as per the Work of Licensee Rules, 2006 framed under the Electricity Act, 2003, the power to permit construction or shifting of line has been vested in the District Magistrate. Forum, while holding that they lack jurisdiction, have dismissed the complaint.

4. Respondent, in their written statement dated 09.05.2019, have confirmed that the LT line passing near the mango tree has, from safety point of view, been shifted to another pole. As far as the transformer is concerned this has been there since the electrification of the village and not only power supply to the petitioner but the rest of the village is also sustained through this transformer and the transformer is at a distance of about 100 meters from the residence of the petitioner. As far as the allegation that line passing next to his residence makes his house unsafe is concerned, respondent have affirmed that the horizontal and vertical distance of the line from his house are as per norms and his house is nearly 30 meters away. Respondent have also maintained that to bring power supply to the village, lines and electrical equipment will have to pass through land and as long as prescribed norms have been followed, no action as expected by petitioner, is warranted.
5. Both parties have been heard. The finding of the Forum, that complaints regarding shifting of transformer and electric poles are beyond the jurisdiction of the Forum as defined in regulation 3.1 (5) of chapter 3 Jurisdiction and proceedings of the Forum in UERC (Appointment of Members and Procedure to be followed by the Forum for Redressal of Grievances of the Consumers) Regulations, 2019, and their observation that the power to hear requests for construction/shifting of electric lines vests only in the District Magistrate/Police Commissioner, as the case may be, are correct. However, Forum have erred in dismissing the complaint in the light of these observations. The order of the Forum dismissing the complaint is set aside being beyond jurisdiction. The petition is disposed off without any order on merits as being out of jurisdiction. Petitioner is free to approach the District Magistrate in case he is still aggrieved.

6. During arguments petitioner also requested that his grievance would have been redressed if the bare conductor of the LT lines passing through his agriculture land was replaced by cable. This seems a reasonable request which Licensee may consider within their own authority.

Dated: 12.06.2019

(Vibha Puri Das)  
Ombudsman