

Before the Ombudsman, KERC, Bangalore

Present: Shaik Ahmed, Ombudsman

Case No. OMB/B/G-1/2005

Dated 16.11.2005

Petitioner:

Mr. S. Dasarathan,
730-A, "Poornima",
4th Main Road,
K.G.Garden,
Murugeshpalya,
Bangalore 560 017.

Respondents:

- 1) Consumer Grievance & Redressal Forum
BESCOM, Bangalore.
- 2) Sri Parameshwar Nair,
No.730-B, 4th Main Road,
K.G.Garden, Murugeshpalya,
Bangalore 560 017.
- 3) Asst. Executive Engineer (Elec.)
S-3, Sub Division, Addl. South Division,
BESCOM, Bangalore.

The Petitioner, above named has preferred an appeal against the order passed by the First Respondent on 14.06.2005 for shifting of electric pole situated in front of the house of the Respondent (2). The facts of the case in brief are as follows:

Respondent (2) has requested BESCOM to shift the electric pole located in front of the gate of his house as it is obstructing the entrance. The jurisdictional AEE, S-3 Sub division, and the Executive Engineer, Addl. South Division, BESCOM, Bangalore have inspected the spot on 28.04.2005, and found that the electric pole was obstructing the Respondent (2) and therefore, they have decided to shift it as per I.E. Rules. The Petitioner, who is the immediate neighbour of Respondent (2) aggrieved by the action of the engineers of BESCOM has approached the Consumer Grievance & Redressal Forum, BESCOM, on the ground that shifting of pole will bring the live wires closer to his balcony and therefore would pose danger to him and to his family members.

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The Respondent (1) after hearing the Petitioner and the jurisdictional AEE, has ordered to shift the pole without causing inconvenience to both the Petitioner and the Respondent (2) after maintaining the required clearance as per I.E. Rules. Aggrieved by the order of the Respondent (1), the Petitioner has come before the Ombudsman seeking relief. The appeal is filed within the stipulated time.

The Petitioner contends that Respondent (1) has not considered the facts of the case as stated by him in his letters addressed to the Competent Authority of BESCOM from the last one year. According to him, the pole was erected by the then KEB, about 22 years before and that construction of the gate by the Respondent (2) is a recent development. Shifting of the pole without taking note of the availability of the space and safety of the Petitioner amounts to favouring the Respondent (2) . The Petitioner further contends that the impugned order is not clear as to where exactly the pole is to be relocated, and according to him his safety should get priority over the convenience of Respondent (2). He has no objection to shift the pole away from the gate towards the house of the Respondent (2).

I have inspected the spot along with the Jurisdictional AEE, BESCOM, and Deputy Director of KERC on 14.11.2005 in the presence of counsel for the Petitioner. I have heard the counsel for the Petitioner, Respondent (3) and the representative of the Respondent (2).

As I could see, the pole is situated right in the middle of the gate of the Respondent (2). It really obstructs the entry to the premises of Respondent (2). Hence, it is just and proper to shift the pole to provide an easy access to Respondent (2). At the same time, it is necessary to ensure safety to the Petitioner and his family members. Therefore, the impugned order passed by the Respondent (1) to shift the pole without inconveniencing both the parties meets the ends of justice. It is true that the impugned order does not specify the exact location where the pole is to be shifted. Nevertheless, Respondent (3) may locate a technically viable spot for relocating the pole. If the pole is shifted away from the gate towards the premises of Respondent (2) as suggested by Petitioner, the alignment of the electric wires (which are crossing the road) would get

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changed apart from considerably imbalancing the distance between the two poles. Further, the pole in question also feeds domestic connections shifting it beyond a certain point would also effects the domestic connections. Taking all these into considerations, the pole has to be shifted little away from its present position to provide an easy access to Respondent (2) without affecting the alignment of the crossing lines, distance between the poles and the domestic connections and on the top of it ensuring safety to the Petitioner.

Having regards to the circumstances explained above, I do not see any reason to set aside the impugned order. The Respondent (3) may take action to remove the pole from its existing location and re-erect it at a technically suitable spot after ensuring adequate clearance between the live wires and the premises of the Petitioner, as per Indian Electricity Rules, 1956 as amended from time to time without causing inconvenience to the Petitioner and the Respondent (2). Further, since the road is very narrow, Respondent (3) may provide aerial bunched cables and such other measures to ensure additional safety to the Petitioner.

Shaik Ahmed,
Ombudsman.

Copy to:

- 1) The General Manager (Elec.) CGRF, Central Stores Division Premises, BESCOM, Near ESI Hospital, Rajajinagar, Bangalore - 10.
- 2) The General Manager (Tech), BESCOM, K.R.Circle, Bangalore - 09
- 3) The Executive Engineer (Elec.) Addl. South Dvn. BESCOM, Koramangala, III Block, Bangalore - 34.
- 4) The Asst. Executive Engineer (Elec.) S-3, Sub Dvn, BESCOM, Austin Town, Bangalore - 47.

P.S. to Chairman/ P.S. to Member-I/ P.S. to Member-T/ Consultant (Consumer Advocacy).

File: poleatmurugeshpalya