

(1993) 07 NCDRC CK 0058

In the National Consumer Disputes Redressal Commission

DIVISIONAL ENGINEER OPERATION, APSEB, KHAMMAM

APPELLANT

Vs

KAILASAPU ADINARAYANA

RESPONDENT

Date of Decision : 02-07-1993

Acts Referred:

Citation : 1994 1 CPJ 116

Hon'ble Judges : A.Venkatarami Reddy , J.Ananda Lakshmi J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is filed by opposite parties 1 to 4 in C.D. No. 256 of 1992. In the complaint, it was stated that the complainant and members of the family are residing in house number 2.12.82 and they are having a showroom in the ground floor and residing in the first floor. About a year back, when the Electricity Board people installed a transformer in front of his shop, according to the complainant, several requests were made not to install the transformer there as it will cause inconvenience to the ingress and egress of the inmates of the house. When there was heavy wind and rain (gale), the flames emanated from the transformer. In spite of requesting the authorities number of times, they have not shifted the transformer. It was specifically mentioned that there was big storm on 23.5.1992 and on that day huge flames emanated from the transformer with big noise and the flames entered into the house of the complainant and his wife and the mother of the complainant suffered burn injuries. They were shifted to the hospital and were treated. It was further stated that the distance between the transformer and the shop is less than one foot. The complainant, therefore, approached the District Forum for a direction to shift the transformer to a nearby roadside.

2. IT appears from the order that at the request of both the parties, the President and Members of the District Forum visited the place of the transformer and its vicinity and P.W.D. ground nearby. IT was found, on inspection, that the transformer is causing inconvenience to the complainant for their ingress and egress and it was also causing imminent threat to the inmates of the

complainants" house. IT, therefore, found that the opposite parties are not justified in contending that the said transformer cannot be shifted. After taking into consideration the totality of circumstances, the District Forum directed the shifting of the transformer in question to the P.W.D. ground in which already there is a small transformer. In this appeal, it is firstly submitted that the complainant did not raise any objection at the time of erecting the transformer and that, therefore, they are not justified in contending at this belated stage, some inconvenience. But it is stated in the complaint itself that the complainant raised objection for the installation of transformer in front of his shop, but inspite of such objection, the above transformer has been installed. We, therefore, see no force in the aforesaid contention. It is nextly submitted that under Section 42 of Electricity Supply Act, 1948 read with Section 3 of the Indian Telegraphic Act, the Electricity Board has a right to erect transformer wherever it pleases. We are not prepared to accept this extreme contention. Under the guise of such power, it is not open to the Electricity Board to correct the transformer in front or side of the house causing inconvenience and also danger to the lives of the inmates. More-over, in the instant case, the District Forum President and Members have visited the place and found that the transformer was causing lot of inconvenience to the inmates for their ingress and egress. In these circumstances, we are not inclined to interfere with the order of the District Forum. Since the transformer is being shifted, on the complaint made by the respondent herein, it is equitable and just, the complainant i.e., the respondent herein to pay a sum of Rs. 1,000.00 (Rupees one thousand only) towards the shifting charges to the opposite parties. No costs. Appeal dismissed. _____