

**In the Court of the State Commissioner for Persons with
Disabilities, Kerala**

Anjaneya, T.C 9/1023 (1) , Ground Floor, Sasthamangalam, Thiruvananthapuram-695 010

Present: Sri. S.H. Panchapakesan, State Commissioner.

OP (RPWD) No.4735/S3/2021

Tuesday, the 19th April, 2022

Petitioner : Smt. Shruthi. V
Muyilott,
Kizhakkekara,
Kasaragod.

Respondent : The Secretary
KSEB Ltd.,
Pattom,
Thiruvananthapuram

This case was finally heard on 13.04.2022, and the Court passed the following Order today:

ORDER

The petitioner herein, Shruthi. V is a differently abled person, and her prime grievance is that there is an electric line drawn through her property, over her house, which would be a threat to herself and other inmates of her house. The line has been drawn for the purpose of providing power supply to 6 houses, situated within the vicinity of her house. In spite of her specific request for the shifting of the line suitably, no fruitful action was materialised on the side of the local Assistant Engineer of the respondent licensee KSEB Ltd. Hence, she filed a petition before the District Collector, Kasaragod, and accordingly, it was decided to shift the subject matter electric line from her property. But, the licensee KSEB Ltd claimed Rs. 19,600/- being the shifting charges of the line. As the petitioner is unable to afford the said expense, she filed the petition before this State Disability Commissionerate for the protection of her right under the Act.

2. Though notice on the petition was duly served on the Secretary, KSEB Ltd, it is found that no counter statement was filed in the proceeding. No document was produced from their side. Anyhow, the petitioner and the learned counsel for the respondent (ie. Adv. Manikantan Nair) were heard online. The Assistant Engineer concerned also attended the hearing online.

3. The point for consideration is that “who will bear the said shifting charges of the subject matter electric line”?

4. No oral evidence was adduced. The Ext.P1 was marked on the side of the petitioner.

5. **The point:** The fact that the subject matter electric line has been decided to be shifted suitably due to the intervention of the District Magistrate (the District Collector) was admitted by the learned Counsel for the KSEB Ltd. He further conceded that the said shifting charges can reasonably be reduced to Rs.14,000/- or 15,000/-. It was also recorded. Of course, the KSEB Ltd is at liberty to realise it from the beneficiary consumers. The point is, answered accordingly. On the basis of the Ext. P1 copy of her disability certificate, the petitioner could substantiate that she is a person with disability. In the said circumstances, the following recommendatory order is issued to the Secretary, KSEB Ltd. u/s.80 (b) of the RPwD Act, 2016:

(1) The subject matter electric line will be shifted from the property of the petitioner at a minimum shifting charge as per the supply code at the expense of the KSEB Ltd within 30 days from the date of receipt of a copy of this order.

(2) The KSEB Ltd. will have the right to realise the said shifting charges equally from the beneficiary consumers in instalments.

(3) The Secretary, KSEB Ltd. will file an action taken report before the Commissionerate as per Section 81 of the RPwD Act, 2016.

(4) Free copy of the order will be issued to the petitioner and the Secretary, KSEB Ltd. From the Commissionerate without any delay.

The matter is disposed of accordingly

Dated this the 19th day of April, 2022

Sd/-

S.H. PANCHAPAKESAN
State Disability Commissioner

Appendix :

1. Ext. P1 - Copy of disability certificate of the petitioner

Sd/-

S.H. PANCHAPAKESAN
State Disability Commissioner

Forwarded by order


Administrative Officer