

**TRIPURA HUMAN RIGHTS COMMISSION**  
**KUNJABAN : AGARTALA**

**COMPLAINT NO. 10 OF 2024**

Smt. Aparna Dasgupta,  
W/O. Sri Swapan Kumar Das,  
Near Governor House(Old),  
Kunjaban, Agartala,  
West Tripura,  
P.S. New Capital Complex,  
PIN-799005.

..... Complainant.

- Versus -

1. The Deputy General Manager,  
Tripura State Electricity Corporation Ltd.  
(A Govt. of Tripura Enterprise),  
O/O. the Deputy General Manager,  
Capital Complex Division,  
79 Tilla, Agartala, Dist.-West Tripura,  
PIN-799006.

2. The Senior Manager,  
Tripura State Electricity Corporation Ltd.  
(A Govt. of Tripura Enterprise),  
ESD-V, GB(O&M), near GB Bazar,  
Agartala, West Tripura,  
PIN-799006.

3. The Chief Managing Director,  
Tripura State Electricity Corporation Ltd.  
(A Govt. of Tripura Enterprise),  
Bhutoria, Agartala, West Tripura,  
PIN-799001.

4. Dakhina Ranjan Choudhury,  
S/O. Lt. Durgesh Chandra Choudhury,  
East side of Old Governor House,  
P.O. Abhaynagar,  
P.S. New Capital, Complex,  
PIN-799005.

..... Opposite Parties.

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**FINAL ORDER****Dated : 28.08.2024.**

One Smt. Aparna Das, W/O. Sri Swapan Kumar Das of near Governor House(Old), Kunjaban, Agartala, West Tripura set the law in motion by filing a complaint before the Commission alleging violation of her right to live a life with safety because of an electric pole installed in front of her house gate with live overhead electric wire attached to her residential building, which has been posing imminent danger to her and her family members in safely using her residential building as well as her ingress and egress of the house.

2. Smt. Das has arrayed all the opposite parties, named above, as the respondents, alleging that in the year 2016 an electric pole was installed/posted in front of her house gate while she and her family members were away from home and in the year 2018, i.e., on 09.10.2018, she had submitted an application before the Senior Manager, Tripura State Electricity Corporation Ltd. (for short 'TSECL'), G.B. Bazar, for shifting of the pole from the gate of her house to any other place and accordingly, on the requisition of the O.P. No.2, she had deposited a cost of Rs.2,865/- on 04.12.2018, but the O.P-TSECL did not shift the pole and thereby retained the exposure of threat to her family. She approached the District Consumer Dispute Redressal Forum, but the Forum also by order dated

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22.02.2022 dismissed her prayer. She also approached the Tripura State Electricity Regulatory Commission for shifting of the electric pole, but they also did nothing. She thereafter has approached this Commission to inquire into the matter and to pass an appropriate order directing the respondent-O.Ps for shifting of the electric pole.

3. The respondent-O.P. Nos. 1, 2 and 3 have submitted their written response *inter alia* stating that on the petition of the complainant the O.P. No.1 instructed the complainant to deposit cost of shifting of the electric pole and accordingly, the cost was deposited by the complainant and the O.P. No.1 engaged the agency for shifting of the pole, but because of the objection raised by local people, the agency failed to execute the work. It is also stated that the Senior Manager, i.e. O.P. No.2, personally visited the spot and discussed the issue with the complainant and the local people, who raised objection, but the local people and the complainant could not arrive at a conclusion about shifting of the electric pole. The O.P.-TSECL, therefore, asked the complainant to provide a wayleave for the required shifting, but she could not do so and as a result, the O.P.-TSECL could not execute the work. It is further stated that the conductor used for the LT line from the main line to the impugned pole was LT AB Cable, which is a covered conductor and safer than bare conductor. Moreover, LT line has been drawn maintaining safe distance as per Indian

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Electricity Rules. The existing cable and pole were erected maintaining safe distance as per Electricity Rules, but the required distance was not maintained by the complainant while constructing her new building.

4. The O.P. No.4, i.e. a neighbour of the complainant, *inter alia*, stated that in the year 2016 the complainant along with the O.P. No.4 and another neighbour jointly approached the TSECL to have an electric pole and the cost was shared by the complainant as well as the O.P. No.4. Accordingly, in the year 2016 the impugned electric pole was posted as shown by the complainant by the side of the joint passage, which runs from the side of the main road towards the house of the complainant, O.P. No.4 and others. The electric line was drawn to the house of the complainant as well as to the house of O.P. No.4 and others from that pole. Subsequently, the complainant constructed another building and made a gate in other side (southern side) of her house and there, on her approach, another electric pole was posted wherefrom she has drawn her three phase electric line and, therefore, she is now trying to shift the pole, which was posted in the year 2016 jointly. It is alleged by the O.P. No.4 that the electric wires running from the main road to impugned pole were drawn maintaining all safety measures and the allegations now created by the complainant because she is not in need of that pole as of now. It is not causing any inconvenience or obstruction in the ingress and egress

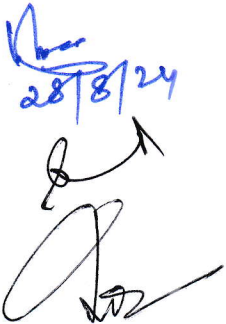
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towards her house and the cables are safe, though it was her fault that she did not maintain reasonable distance from the overhead electric line while constructing her new building.

5. Since the complainant made a request to inquire into the matter physically, the Commission directed its Investigation Wing, headed by Dy. S.P., Sri Lalhim Molsom, to inquire into the matter physically and to submit a report. Accordingly, the Investigation Wing inquired into the matter physically, examined the materials witnesses, prepared hand sketch map etc. and then submitted its report before the Commission. The observation of the Investigation Wing based on the materials so far collected, reads as follows:-

*“During inquiry from all the evidence on records the following facts has been established*

1. *It is fact that the complainant is the absolute owner & possessor of land measuring 0.43 acres recorded under Mouja- Agartala Sheet No. 11 Revenue Circle- Agartala Purba, under Sadar Sub-Division, West Tripura District Vide Khatian bearing No- 66 corresponding to Hal Plot/Dag No-91 Sabek Dag no- 8440/49884 classified as Bastu (Tilla),*
2. *The Complainant on 08.06.2016 submitted an application before the Sub-Divisional Senior Manager GB Branch for installing new electric pole/post and in this regard the complainant had asked her neighbor Mr. Dhakhina Ranjan Choudhury to contribute some amount. Accordingly, Mr. Dhakhina Ranjan Choudhury paid her Rs.5000/- in cash. The complainant deposited an amount of Rs.17,916/- as per communication by Deputy General Manager Capital Complex dated 09.08.2016. The Electric pole/post was installed as indentified jointly by the complainant and Mr. Dhakhina Ranjan Choudhury neighbor of the complainant.*

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3. The Complainant on 09.10.2018 submitted another application before the Senior Manager GB Branch for shifting of existing electric pole installed in front of the gate of the complainant, in the year 2016. Accordingly, the Complainant deposited Rs. 2,865/- vide Demand Draft No.908858 dated 04.12.2018 to the Deputy General Manager.

4. It is not a fact that the act of the TSECL Senior Manager GB Branch is intentional. The Electric Deptt. of GB Branch took immediate step by sending its agency to the site dated 03.01.2019 in-order to execute the work but they could not execute the work as the complainant's neighbor raised objection. In this regards the then Senior Manager of GB Branch Smt. Ruma Mitra has sent two letters dated 04.01.2019 and 18.01.2019 to the Complainant to confirm the site in consultation with the local public to complete the work as early as possible.

The present Senior Manager Mr Palash Ray had also visited twice or thrice to the complainant house and held talks with the complainant and Mr. Dhakina Ranjan Choudhury separately but due to the objection raised by Mr. Dhakina Ranjan Choudhury, the cooperation could not execute the work. The Senior Manager suggested the complainant to amicably settle the matter with Mr. Dhakina Ranjan in order to execute the work. But till date the complainant neither amicably settled the problem with her neighbor nor could confirm a site for executing the work.

5. Regarding safety concern, the conductor used for the LT line in the existing electric pole which the complainant wants to shift is LT AB Cable, which is a covered conductor and safer than bare conductor.

6. It is to be mentioned here that the complainant after completing construction of her new building adjacent to her old building approximately in 2018, has taken new 3 (Three) phase electricity connection from another available electric post from other side i.e. Southern side of her building which is situated beside another road in front of Pratiksha Apartment, so the complainant no longer takes connection from the electric pole/post. But Mr. Dakhina Ranjan

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*Choudhury and another family still has electric connection from the same electric pole/post.*

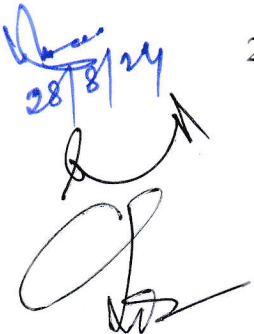
*7. The complainant had constructed two new entry gates at her new building, one on the southern side and another towards the old road. The complainant presently has three entry gates 02 (two) in new building, 01(one) at old building. The family member of the complainant frequently used the new entry gate located toward Southern side of her new residence. In this regard ingress and egress may not be a big issue as alleged by the complainant.*

*8. It is fact that the complainant approach the matter to the District Consumer Dispute Redressal Commission, Agartala, West Tripura for getting relief from the O.Ps the complainant petition has been registered by the District Consumer Dispute Redressal Commission vide Case no. C.C18/2019. The case has been disposed of by the Ld. District Consumer Dispute Redressal Commission on 22.02.2022 opined that the complainant has failed to approach the Redressal forum under electricity Act., 2003 and also opined there is no latches or deficiency in service on the part of the O.Ps for shifting the electrical post/pole.*

*9. The complainant approach to the Tripura State Electricity Regulatory Commission stating elaborately for necessary enquiry and shifting of Electrical post lying in the front portion in the house of the Complainant, but Regulatory Commission did not take any step till date.”*

6. The complainant, as it appears, has earlier approached the District Consumer Dispute Redressal Forum and the Forum by order dated 22.02.2022 dismissed her complaint with the following findings:-

*“7. On overall appreciation of the evidences of both sides, we found that the complainant has failed to approach the redressal forum under Electricity Act, 2003. We also find that there is no latches or deficiency in service on the part of the O.Ps for shifting the electric post which in in question.*

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*Moreover, we find that complainant did not come with clean hands and suppressed material facts.*

*Accordingly, we are in the opinion that complainant has failed to prove her complaint U/S. 12 of the C.P. Act, 1986.*

*Hence, the complaint is dismissed and no costs.”*

7. The complainant did not challenge the finding of that statutory body and did not prefer even an appeal. She has directly approached this Commission seeking relief. No doubt, bare overhead live electric line may cause damage to the life and properties of a citizen and, therefore, the Commission entertained the petition and after inquiry it is found that the impugned electric pole was posted in the year 2016 at the joint approach of the complainant and other neighbours. Now, it seems, while she has got her electric connection from another pole, she is trying to shift the older pole from the position for which it was her responsibility to have a wayleave to the Electric Department. It appears that the Electric Department gave requisition for depositing the cost of shifting of the pole and the complainant deposited the cost. This is the stand of the TSECL (Senior Manager) that the complainant neither could arrive at a settlement with her neighbours nor could show a wayleave for shifting of the pole.

8. The dispute, as it appears, is a civil dispute between the complainant and her neighbours as well as TSECL. It does not exclusively come under the purview of a violation of human rights as contemplated under the Protection of Human Rights Act, 1993. The

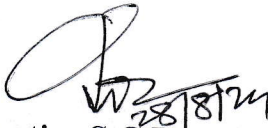
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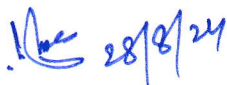


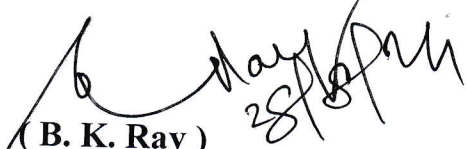
Commission, having considered all the facts and materials placed before it, is of the view that it cannot give any direction and/or recommendation to the TSECL and the complainant, if so advised, may approach the appropriate legal authority seeking the relief.

9. In view of the above observation, the instant complaint stands disposed of.

10. Send a copy of the final order to the complainant and the respondent-O.Ps.

  
(Justice S.C. Das)  
Chairperson

  
( Udit Choudhuri )  
Member

  
( B. K. Ray )  
Member