



REPUBLIC OF KENYA

IN THE ENERGY AND PETROLEUM REGULATORY AUTHORITY

DISPUTE NO: EPRA/PEACP/CP/4/63991747/25

BULLE AHMED MAALIM..... PLAINTIFF

VERSUS

KENYA POWER AND LIGHTING COMPANY PLC.....RESPONDENT

DETERMINATION

A. BACKGROUND

1. The dispute between Mr. Bulle Ahmed Maalim (Plaintiff) and Kenya Power and Lighting Company (Respondent) was first reported to the Energy and Petroleum Regulatory Authority, (hereinafter referred to as “the Authority”) vide a letter dated 10th September 2025.
2. The dispute is on alleged unlawful trespass on the Plaintiff’s Plot No. A95 situated in Soko Mjinga within Wajir Township, Wajir County.

B. PLAINTIFF’S CASE

3. The Plaintiff states that he is the lawful owner of land *Parcel No. A95* situated in Soko Mjinga within Wajir Township.
4. The Plaintiff further states that on or about the year 2025 the Respondent through its agents, erected electricity supply poles on his aforementioned land situated in Soko Mjinga within Wajir Township.
5. The Plaintiff avers that the electricity supply lines were erected without his knowledge, authority and or consent as the lawful and registered proprietor of the Property.

6. The Plaintiff further states that he lodged a formal request for the removal of the electricity supply lines to which the Respondent responded through a Letter dated 17th July 2025.
7. It is the Plaintiff's case that the Respondent through a letter dated 17th July 2025, issued a quotation demanding payment in the sum of Kenya Shillings One Hundred Thirty Thousand Six Hundred and Fifty-Seven (Kshs. 130,657/-) for rerouting and/or relocation of the said supply lines.
8. The Plaintiff avers that he did not grant any consent or authorization, whether express or implied for the Respondent to install the electricity supply lines on his property.
9. It is the Plaintiff's position that the said electricity supply lines are not intended for the benefit of his parcel, since his property is already connected to electricity, but instead serves owners of the adjacent properties.
10. The Plaintiff concludes by stating that despite numerous requests and formal demands, the Respondent has failed, refused, and/or neglected to remove the electricity supply lines from the Plaintiff's property.
11. The Plaintiff's prayers as outlined in his complaint letter dated 10th September, 2025 are as follows:
 - a) A declaration that the installation of the electricity supply lines on his land was unlawful.
 - b) An order for the immediate removal of the said electricity supply lines from Land Parcel No. A95 without conditions or charges imposed on him.
 - c) General damages and special damages arising from the unlawful trespass by the Respondent on Land parcel No. A95.

C. RESPONDENT'S CASE

12. The Respondent filed a response to the Plaintiff's complaint vide a letter dated 1st October, 2025.
13. The Respondent confirms that it is aware of the complaint presented by the Plaintiff before the Authority.

14. The Respondent avers that the electricity supply lines traversing the Plaintiff's plot number A95 situated in Soko Mjinga, within Wajir township, were not illegally installed.
15. The Respondent states that the Plaintiff seeks to mislead this Authority by stating that the power lines were installed in the year 2025.
16. The Respondent further states that the power lines in question were constructed way back in March, 1995 for the purpose of supplying the Ministry of Water in Wajir under meter No [REDACTED]
17. The Respondent claims that the Plaintiff was allotted the said land in the year 2016, way past the year when the powerlines were installed. The Respondent adds that the Plaintiff's complaint lacks merit and as such no claim of trespass has been proved on his part.
18. The Respondent proposes that the Authority looks at the Beacon certificate shared by the Plaintiff and confirm that the same was issued in 2017.
19. The Respondent maintains that it is untrue that the Plaintiff was already in occupation of his land when the electricity poles were erected on his property.
20. The Respondent avers that the Plaintiff has failed to disclose to the Authority the fact that when he started constructions on his property,, the powerlines had already been installed.
21. The Respondent further claims that the Plaintiff has failed to disclose to the Authority, that the Respondent approached him with a view to re-routing the powerlines at his own cost which he declined to make payments for the quotations presented to him.
22. The Respondent believes that the complaint before the Authority emanates from the complainant's failure to honor the payment for re-routing presented to him vide the Quotation letter dated 17th July, 2025.
23. The Respondent concludes by urging the Authority to find that there was no trespass on the Plaintiff's property as alleged.

D. DISPUTE RESOLUTION PROCESS

24. Upon receiving the Plaintiff's Complaint vide a letter dated 10th September 2025, the Authority proceeded to request for submissions from both parties vide a letter dated 17th September 2025.
25. The Authority received submissions from the Plaintiff dated 22nd September 2025 while the Respondents was dated 1st October 2025.
26. The Authority invited both parties for a hearing on 2nd October 2025 vide a letter dated 26th September 2025.

E. ISSUES FOR DETERMINATION

27. Based on the fact and evidence shared by the Parties, the Authority finds that the following issues arise for determination;
- a) Whether the Respondent unlawfully installed electricity supply lines on the Plaintiff's Land Parcel No. A95.
 - b) Whether the Electricity supply lines erected on the Plaintiff's Land Parcel No. A95 ought to be removed.
 - c) Whether the Plaintiff is entitled to General and Special damages as prayed for in his letter dated 10th September, 2025.

F. ANALYSIS OF THE DISPUTE

- a) Whether the Respondent unlawfully installed electricity supply lines on the Plaintiff's Land Parcel No. A95.
28. The Plaintiff in his letter dated 10th September, 2025 claims that the Respondent unlawfully trespassed on his land parcel No. A95 situated in Soko Mjinga within Wajir township.
29. Additionally, the Plaintiff has shared an Allotment letter issued by the County Government of Wajir dated 13th October, 2016 together with a Beacon Certificate dated 12th May, 2017.

30. The Authority notes that the supply contract on record dated 1st March, 1995, establishes that the subject LV line is a legacy network asset, built to serve the Ministry of Water in Wajir under post-payment Account/Contract 1225122.
31. The Respondent's response via the letter dated 1st October, 2025 is consistent with the supply contract and expressly ties the line to the 1995 build for meter/account [REDACTED]. Consequently, on chronology alone, the electricity line predates the Plaintiff's land allocation by many years.
32. As regards land interest and ownership, the Plaintiff's own allotment emerges long after the 1995 construction, therefore this dispute is not about a new encroachment by the Respondent but rather about a development began by the Plaintiff this year (2025) near an existing visible power line.
33. At this juncture, it is important to ascertain whether the legacy line was lawfully erected for its original public-service purpose and whether the present-day building works respect statutory electrical clearances.
34. The documents on record contain no safety defect reports or non-compliance test results against the line. It is the Authority's position, that the controversy is locational and arises as the Plaintiff's 2025 construction engages the existing corridor.
35. The evidence on record indicate that the line was installed in 1995 for a public customer and no-doubt, pre-dated the Plaintiff's land allotment letter dated 13th October, 2016 and the 2025 building works by the Plaintiff.
36. In a letter dated 17th July, 2025, the Respondent provided the Plaintiff with a quotation for the relocation of the electricity supply lines on his land, but he declined the offer.
37. The Authority notes that there is no technical proof on record of an unlawful trespass in 1995 or a present safety defect attributable to the Respondent.
38. On the Plaintiff's own chronology and materials, the dispute is reduced to a development-driven diversion request, and not a trespass or illegal installation.
39. Consequently, the Authority finds that the Respondent lawfully installed electricity supply lines on Parcel No. A95 in 1995 way before the Plaintiff was allotted the land.

b) Whether the Electricity supply lines erected on the Plaintiff's Land Parcel No. A95 ought to be removed.

40. It is the Plaintiff's prayers in his letter dated 10th September, 2025 that the electricity supply lines erected on his parcel of land No. A95 be immediately removed without any conditions or charges imposed on him.
41. On rerouting of the power lines, the evidence on record show that the Respondent engaged the Plaintiff with a re-routing quotation dated 17th July 2025, which was ignored. This is typical of the requester-pays powerline diversion when a new development (rather than a utility network need) necessitates the rerouting of wayleaves.
42. Without proof that the 1995 wayleave was unlawful at the time of installation, the cost of relocating the wayleave ought to be borne by the Plaintiff.
43. In light of the foregoing, the Authority directs that the Electricity supply lines on the Plaintiff's land parcel no. A95 be removed and rerouted at the Plaintiff's cost as per the Respondent's Quotation letter dated 17th July, 2025.

c) Whether the Plaintiff is entitled to General and Special damages as prayed for in his letter dated 10th September, 2025.

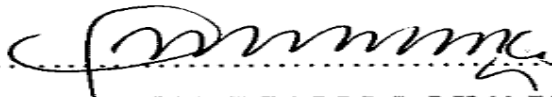
44. The Plaintiff in his letter dated 10th September, 2025 prays for general and specific damages for the unlawful trespass by the Respondent on his land parcel no. A95 which has occasioned him substantial loss and deprivation of use of the said Land.
45. The Authority has perused the supporting documents shared by the Plaintiff and notes that the Plaintiff has not shared any evidence to support his claim for special damages. Therefore, the prayer on specific damages fails.
46. As regards general damages, the Authority finds that since the electricity supply lines on the Plaintiff's land parcel no. A95 were lawfully installed in 1995, the claim for general damages cannot succeed.

G. DETERMINATION

47. The Authority has considered the Plaintiff's and the Respondent's case and hereby makes the following determination;

- a) That the Respondent lawfully installed electricity supply lines on Parcel No. A95 in 1995 way before the Plaintiff was allotted the land.
- b) That the Electricity supply lines on the Plaintiff's land parcel no. A95 be removed and rerouted at the Plaintiff's cost as per the Respondent's Quotation letter dated 17th July, 2025.
- c) That the Plaintiff's prayer for payment of general and specific damages by the Respondent is hereby dismissed.
- d) That this determination is final and binding upon both parties.
- e) That each party is hereby directed to bear their own costs.
- f) That the parties are at liberty to exercise their right of appeal to this decision at the Energy and Petroleum Tribunal pursuant to the provisions of the Energy Act, Cap 314, Laws of Kenya.

DATED AT NAIROBI THIS 6th DAY OF NOVEMBER.....2025

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CPA CYPRIAN M. NYAKUNDI
FOR: DIRECTOR GENERAL