

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION NO. P/053/2014

(Present: Sri. V.V. Sathyarajan)

Dated: 27th March 2015

Appellant : Sri I.C. Cherian,
Managing Director,
M/s Metro Scans (Pvt) Ltd,
Opp: Municipal Office,
Attingal.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited,
Attingal

ORDER

The appellant is not a registered consumer of Electrical Section, Attingal. The registered consumer is Smt. Remani Amma, Syam Nivas, Keezhattingal . Consumer No. is 15379. A bill for Rs. 1,23,240/- was issued to the consumer after an inspection conducted by the APTS, Thiruvananthapuram on 14/02/2014. The appellant had extended electricity to a nearby building. The appellant filed a complaint before the CGRF alleging that the aforesaid bill was issued in wrong tariff. According to the respondent, the matter of the complaint is an assessment under Section 126 of the Act and the CGRF is barred from entertaining such complaints in view of regulation 2 (1) (f) (vii) (1) of the KSEERC (CGRF and Electricity Ombudsman) Regulations, 2005. Accordingly the Forum held that it was improper to entertain the complaint. Aggrieved against the said order, this appeal petition was filed.

Hearing of the case was conducted on 16/02/2015 in my chamber at Edappally, Kochi. Sri K. Anandakuttan Nair represented the appellant. Smt. Rekha T.R., Assistant Executive Engineer, Electrical Sub Division, Attingal appeared for the respondent. In view of the arguments made by both parties, it appears that the foremost question to be decided in the matter is whether the appeal petition is maintainable or not. It is needless to enter into the merits of the case, if this Authority has no jurisdiction to entertain the same.

It has come to my notice that a surprise inspection was conducted by the APTS, Thiruvananthapuram on 14/02/2014 in the premises of the appellant and unauthorised extension for 3 kW was detected. A provisional assessment bill for Rs. 1,23,240/- was issued. An objection was filed before the Assessing Officer and

subsequently a final order of assessment was issued. It is admitted that the appellant did not file any appeal before the appellate authority under Section 127 of the Electricity Act. Since the bill raised under Section 126 based on allegation of unauthorised extension of electricity falls under the exception clause 2 (f) (vii) of the Regulations, the CGRF / this Authority does not have any authority to entertain this complaint. The appellant's remedy was only to file an appeal before the Statutory Authority under Section 127 of the Act. Section 127 (I) of the Electricity Act, 2003 reads as follows:-

"127. Appeal to appellate authority:- (1) Any person aggrieved by a final order made under Section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed."

Instead of filing appeal before the aforesaid statutory authority, the appellant herein approached first the CGRF and thereafter this Authority. It seems that the modus operandi of the appellant was to protract the dispute for a further period without paying any portion of the billed amount. Moreover, CGRF / Electricity Ombudsman has no jurisdiction to entertain complaints relating to unauthorised use of electricity as provided under Section 126 of the Act, in view of the bar under Sub Clause (vii) (I) of Clause 2 (f) of the Regulations. It is therefore held that the remedy available to the appellant is only an appeal before the Statutory Authority under Section 127 and that this appeal petition is not maintainable. The order of the CGRF is upheld. The appeal petition is rejected as not maintainable. No order as to costs.

ELECTRICITY OMBUDSMAN

NO.P/053/2014/ _____ /Dated: _____

Forwarded to:

1. Sri I.C. Cherian, Managing Director, M/s Metro Scans (Pvt) Ltd., Opp: Municipal Office, Attingal.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Attingal.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.