

THE STATE ELECTRICITY OMBUDSMAN
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024
www.keralaeo.org Ph: 0484 2346488, Mob: 91 9447576208
Email:ombudsman.electricity@gmail.com

APPEAL PETITION NO. P/055/2014

(Present: Sri. V.V. Sathyarajan)

Dated: 1ST April 2015

Appellant : Smt. Remani Amma
Shruthilayam,
Near Municipal Office,
Attingal

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

ORDER

The appellant is having consumer no. 15380 under LT VII tariff. A bill for Rs. 94,900/- was issued to the appellant after inspection conducted by the APTS Thiruvananthapuram on 14/02/2014. It is alleged that the appellant extended the supply to a nearby building. The appellant filed a complaint before the CGRF stating that the bill issued by the Assistant Engineer was 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 21 (f) (vii) (I) of the KSERC (CGRF & Electricity Ombudsman) Regulations, 2005 and the Forum held that it was improper to entertain the complaint. Aggrieved against this order this appeal petition was filed.

Hearing of the case was conducted on 16/02/2015 in my chamber at Edappally, Kochi. Sri 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 this matter is whether the appeal is maintainable or not. It is needless to enter into the merits of the case, if this Authority has no jurisdiction to entertain the matter.

In this connection it has to be mentioned that Sri I.C. Cherian, Managing director, M/s Metro Scans Pvt. Ltd., opp. Municipal Office, Attingal also challenged an assessment of Rs. 1,23,240/- on very same lines before the CGRF in vain. He also appealed against the order of the Forum before this Authority. This Authority

already dismissed the said appeal for want of jurisdiction. This Authority did not go into the merits of the case in that matter also. It is seen that Sri I.C. Cherian is the occupant of the premises where Smt. Remani Amma, the present appellant is the registered consumer with consumer No. 15379. In the matter now being discussed, Smt. Remani Amma has got connection with consumer No. 15380. In short, the matter need not be discussed further since the connected appeal filed by the Sri I.C. Cherian was already dismissed. Anyhow, I would like to reiterate that this Authority does not have any authority to entertain this complaint, since the bill raised under Section 126 based on allegation of unauthorised extension of electricity falls under the exception clause 2 (f) (vii) (I) of the Regulations, 2005. The appellant's remedy was only to file an appeal before the Statutory Authority under Section 127 of the Act.

Instead of filing before the said Statutory Authority, the present appellant approached first the CGRF and thereafter this Authority. It appears that the modus operandi of the appellant was to protract the litigation for a further period without paying any portion of the billed amount. That is why she and her tenant were conducting separate complaints / appeal petitions before the CGRF and Electricity Ombudsman. Moreover, CGRF / Electricity Ombudsman has no jurisdiction to entertain such complaints relating to unauthorised use of electricity as provided under Section 126 of the Act. It is therefore held that this appeal petition is not maintainable. The order of the CGRF is upheld. The appeal petition is rejected as not maintainable.

ELECTRICITY OMBUDSMAN

NO.P/055/2014/_____ /Dated:_____

Forwarded to:

1. Smt. Remani Amma, Shruthilayam, Near. Municipal Office, Attingal.
2. The Assistant Executive Engineer, Electrical Sub Division, KSEBoard Ltd, 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