

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/016/2019
(Present: A.S. Dasappan)
Dated: 26th April 2019

Appellant : Sri. Rameshan A
Souparnika,
Pallikkunnu P.O.,
Kannur

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Kannur

ORDER

Background of the Case:

The appellant has filed this appeal petition with a request to take disciplinary action against Sri. Sasi, Assistant Engineer, Pallikkunnu Section for misuse of official power. Another allegation raised by the appellant before the CGRF by filing a petition in OP No. 120/2018-19 was the respondent overcharged the appellant up to 15-02-2017 and demanded refund of the same. The CGRF, Kozhikode has dismissed the petition vide order dated 31-01-2019. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority.

Arguments of the appellant:

The appellant is a domestic consumer of Pallikkunnu Section, KSEBL with consumer number 8599 having a connected load of 1435 watts and under LT 1 A tariff. This petition is not against Electricity Board, but against Sri Sasi, Assistant Engineer of the Section Office. The Assistant Engineer, Sri Sasi with APTS Wing of KSEBL inspected the electric connection on 15-02-2017 and alleged theft of electricity, which led to disconnection of electricity and removal of energy meter. The appellant filed petition before the Deputy Chief Engineer, Consumer Grievance Redressal Forum, Kozhikode and the Appellate Authority.

As per the order of Appellate Authority, an amount of Rs. 1,260/- was remitted in addition of the remittance of Rs. 76,400/- earlier.

The request of the appellant is to enquire the role of Sri Sasi, Assistant Engineer of Pallikkunnu Section Office in the incidents on 15-02-2017.

Arguments of the respondent:

The appellant, Sri A. Rameshan is a consumer of Pallikkunnu Section with consumer number 8599 having a connected load of 1435 Watts and under LT IA tariff. An inspection was conducted by the APTS in the premises on 15-02-2017 and detected that an additional load of 4510 Watts was connected for construction purpose and electricity for which was taken directly from the energy meter. The detected load is in excess of the existing load in the house.

The above action of the appellant is against Section 135 of the Indian Electricity Act, 2003. The appellant was given notice for remitting Rs. 76,400/- (civil liability Rs 26,400/- + compounding fee Rs. 50,000/-) and remitted by the appellant. The appellant filed petition before the Deputy Chief Engineer and CGRF, but the appellant was advised to approach the Appellate Authority. The appellant approached Appellate Authority and Authority upheld the decision of the respondent along with a direction to realize the short assessed duty for Rs. 1,260/-. The appellant remitted Rs. 1,260/- on 22-02-2018. The appellant again approached Consumer Grievance Redressal Forum and the Forum delivered order in OP No. 120/2018-19 on 31-01-2019. Sri Sasi, the Assistant Engineer had only taken action to realize the revenue loss of the KSEBL from the appellant.

Analysis and Findings: -

The hearing of the case was conducted on 09-04-2019 in my chamber at Edappally, Kochi. Sri Rameshan A, the appellant has appeared for the hearing and Smt.K.V. Shyni, Assistant Executive Engineer, Electrical Sub Division, Kannur, has appeared for the respondent's side. On examining the petition, the counter statement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

The appellant also approached this Authority by filing a petition for taking appropriate action against the alleged Assistant Engineer, Pallikkunnu Section. During the hearing, the appellant has contended that the Assistant Engineer is responsible for the accusation of the charge of theft of energy and requested to take action against the responsible officer.

The respondent has stated that the appellant was penalized on the basis of the inspection conducted by the APTS team who detected theft in the premises and has taken action as per Section 135 of Electricity Act, 2003.

The Ombudsman and CGRFs have no power or jurisdiction to take disciplinary action against the staff of the licensee, who had committed dereliction of duty and negligence during the course of his employment. As per the rules, a case of negligence and irresponsible action on the part of the employees of the licensee is beyond the powers of CGRF and Electricity Ombudsman. Further, any such disputes pertaining under Sections 126 and 135 of Act are not maintainable before CGRF and Electricity Ombudsman by virtue of Clause 2(1)(f)(vii)(1) of KSERC (CGRF & Electricity Ombudsman) Regulations, 2005. At present the appellant has no dispute except the allegation raised against Sri. Sasi, Assistant Engineer. In the case of the allegations of misconduct, dereliction of duty, misappropriation etc raised against the employees of the Licensee, the consumer has the liberty to approach the higher officers of the Licensee.

Decision

As this Authority has no power or jurisdiction to take disciplinary action against the staff of the licensee who had committed dereliction of duties and negligence, it is held that the appeal petition filed by the appellant is not maintainable and hence dismissed.

Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is not allowed. The order of CGRF, Northern Region in Petition No. OP/120/2018-19/dated 31-01-2019 is upheld. No order on costs.

ELECTRICITY OMBUDSMAN

P/016/2019/_____ /Dated:_____

Delivered to:

1. Sri. Ramesan A, Souparnika, Pallikkunnu P.O., Kannur.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kannur.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Gandhi Road, Kozhikode