

**THE STATE ELECTRICITY OMBUDSMAN**

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**APPEAL PETITION No. P/050/2021****(Present: A.S. Dasappan)****Dated: 25<sup>th</sup> November, 2021**

Appellant : Sri. Thomas. P.O.,  
IAS Golden Residency,  
S.A. Road, Kadavanthara,  
Ernakulam Dist.

Respondent : Assistant Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
College, Ernakulam Dist.

**ORDER****Background of the case:**

The appellant is the applicant for a new electric connection to his 'Flat' and for which applied to the Assistant Engineer, Electrical Section, Girinagar. The application was also accompanied with a photograph of the appellant, identifying proof and a copy of an agreement for sale dated 11-05-2018 (unregistered) executed between Sri. K.T. John and the appellant Sri. P.O. Thomas. The Assistant Engineer denied the electric connection for want of ownership certificate/legal occupancy of the premises, consent from the owner, if applicable. The appellant did not try before the respondent for the connection and approached Consumer Grievance Redressal Forum, Central Region with a petition vide OP No. 17/2021-22 and the Forum dismissed the petition due to lack of merits vide order dated 06-08-2021.

Aggrieved by the decision of the Forum, the appellant filed this appeal petition before this Authority.

**Arguments of the appellant:**

The appellant is the sole possession holder and owner of the 'Flat' having electric connection with consumer number 17575 effected in the year 2018 and which was dismantled on 21-01-2020 due to the non-payment of electricity charge. Thereafter in 05/2020, the appellant applied for a fresh connection to the "Flat", for which necessary documents including the possession certificate in the name of Smt. Anna, Mary, Rosakutty. The appellant purchased the land from Sri. K.T. John in the year 2018 by executing an agreement for sale with all the rights possessed by him. Since there is no electric connection, the appellant is staying in a rental building of rent Rs.10,000/- per month. The request of the appellant is,

- (1) Allow the electric connection as early as possible;
- (2) Allow a compensation of Rs.1,40,000/-, which paid towards rent for the appellant's stay since there is no electric connection to the "Flat".
- (3) Grant a sum of Rs.20,000/- towards compensation of hardships and agony.

**Arguments of the respondent:**

The consumer No.1155426017575 under Electrical Section Girinagar was registered in favour of Sri. K.T. John,38/685/F-2, Golden Residency, S.A Road, Kadavanthra. The three-phase connection was given in 1A tariff with a connected load of 5995 watts. The date of connection is 09.08.2005. Due to default in payment of current charge, the connection was dismantled after the expiry of agreement period (180 days) on 18.1.2020 and account is remaining closed since 21.01.2020.

An application for new service connection was received from Sri. Thomas P.O at the Office of the Assistant Engineer, ES Girinagar on 16.04.2021. The application was accompanied with documents of photograph of the applicant, identity proof and a copy of an agreement for sale dated 11-05-2018 (unregistered) executed between Sri. K.T. John and the appellant.

The processing of application for new Service Connection in KSEBL is governed by the provisions of Kerala Electricity Supply Code 2014 and the orders issued by Hon'ble Kerala State Electricity Regulatory Commission (KSERC). As per Regulation 75 & Sub regulation 10 of Kerala Electricity Supply Code 2014 a new service connection application shall be submitted with documents namely Identity proof, Ownership Certificate/Legal occupancy of the premises, consent from the owner, if applicable.

In the Order No.1504/DD(T)/Supply Code/2016/KSERC dated 26-10-2016, Thiruvananthapuram, relaxing the regulation 75 of Kerala Electricity Supply Code 2014, proof of identity and proof of ownership/legal occupancy of the appellant are the two mandatory documents that should be accompanied with the application form for new service connection. Accordingly, the appellant was directed to produce document to prove the ownership/legal occupancy of the premises where connection is sought. The appellant failed to produce the required documents and has not produced any valid document to prove the ownership of the premises till date. Intimations regarding the same were given from the office of Assistant Engineer.

Further, the appellant approached the office of the respondent with a complaint of denial of a service connection to a studio apartment, IAS Golden Residency, S.A. Road, Kadavanthra under Electrical Section, Girinagar. On detailed verification of his complaint, it was observed that the appellant has not produced ownership certificate/legal occupancy of the premises where connection is sought along with the application for service connection. The appellant was then directed to produce ownership certificate/legal occupancy of the premises where connection has been sought. Also, the respondent promised to issue new service connection at the earliest, if he produced the valid documents. The appellant was also served with intimations from the office of the Assistant Engineer to produce valid documents (Ownership certificate in addition to the ID Proof and completion report), so as to issue service connection to the appellant. But the appellant failed to produce the said documents.

The appellant has produced two documents namely ID proof and copy of an agreement for sale dated 11-05-2018 (unregistered) in stamp paper worth Rs.500/- got executed between the appellant and Sri. K.T John regarding the ownership of the apartment. Being unregistered, it cannot be taken as a valid document to prove the ownership of the premises. No other document like sale deed was produced to claim the ownership of the studio apartment where new service connection is requested. The premises with building No.63/2935 (38/685-F2) where the appellant has sought new service connection, the property tax up to 31-03-2021 is seen paid by Smt. Anna Mary Rosakutty, which shows that the appellant has no right over this property.

The Licensee, KSEBL has requested only two documents namely Identity proof and proof of ownership/legal occupancy of the premise for providing new service connection. KSEBL has commenced Service at Door steps for new service connection also and is reaching out to the needy to provide service efficiently and at a fast pace. The arguments raised are baseless and false. Once again KSEBL is ready to provide new service connection at the earliest on production of two documents viz, identity proof and ownership certificate/ legal occupancy of the premise. Moreover, the respondent has received a notice from Advocate A.T. Anilkumar that a suit OS No.899/2019 is pending against the appellant.

In the light of the above said facts, new electric service connection cannot be granted in favour of Sri. Thomas P.O in the premises where the appellant has sought electricity connection due to want of documents. As per regulation 76 (8) of Supply Code 2014 an application form shall become an application only on receipt of necessary documents including approvals from Statutory or other Authorities.

Here, the appellant has admitted that even though the appellant purchased the flat from Sri. K.T. John during 2018, the flat has not been registered in the appellant's name till date and hence, doesn't possess the possession certificate.

**Analysis and findings:**

The hearing of the appeal petition was conducted at 11-30 AM on 29-10-2021 in my office at Edappally, Kochi. Sri. Thomas. P.O., the appellant and Smt. Mollyja Lucy Xavier, Assistant Executive Engineer, Electrical Subdivision, College, Ernakulam from the respondent's side attended the hearing. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The subject case referred to the application of the appellant for an electric connection to the flat by name "Golden Residency" under the Electrical Sub Division area.

The appellant argued that the "Residential Flat" had an electrical connection effected in the year 2018 and which was dismantled on 21-01-2020 due to the default in remittance of electricity bill. Though the appellant produced the possession certificate and personal identity card, KSEB Ltd. denied the electric connection. The appellant wants to get the electric connection at the earliest and for compensation for the delay in providing the connection.

The respondent stated that the electric connection to the 'Flat' was not given since the appellant did not produce the required documents, ownership / legal occupancy of the premises where connection is sought along with the application for electric connection.

The Regulation 75 of Kerala Electricity Supply Code 2014 says about "Submission of application form for new service connection".

- (1) Regulation 75 (1) – "The applicant for new low-tension connection shall apply for it in the format as specified in Annexure – 4.

In the Annexure-4, the list of documents to be attached with the application form are photograph of the applicant, identity proof, proof of ownership or occupancy of premises for which electricity connection is required, proof of current address and any other document as applicable.

Regulation 44 of Kerala Electricity Supply Code 2014, explain the list of documents, which can be accepted as proof of identity of the applicant.

- (i) electoral identity card;
- (ii) passport;
- (iii) driving license;
- (iv) ration card;
- (v) photo identity card issued by any Government agency;
- (vi) PAN card;
- (vii) Aadhar card / National Population Register (NPR) card;
- (viii) photo identify certificate from village panchayat or municipality or municipal corporation.

Regulation 45 of Kerala Electricity Supply Code 201445. Proof of ownership or occupancy of the premises: -

45 (1) The licensee shall accept any of the following documents as proof of ownership or occupancy of premises: -

- (i) certified copy of title deed or lease agreement;
- (ii) letter of authorization from the Punja / Kole Special Officer in the case of agricultural connections for dewatering;
- (iii) ownership certificate from Municipal Corporation or Municipality or Panchayat or Township in the case of buildings;
- (iv) ownership certificate issued by competent revenue authority in the case of land;
- (v) letter of allotment in the case of industrial estates or industrial parks or Special Economic Zones;
- (vi) possession certificate from Revenue authorities.

45 (2) An applicant who is not an owner but an occupier of the premises, shall furnish a no objection certificate from the owner of the premises along with any one of the documents listed at clauses (i) to (vi) in Sub-Regulation (1) above.

Regulation 46 of Kerala Electricity Supply Code 2014. Proof of present address:

The licensee shall accept any one of the following documents as proof of present address for communication:-

- (i) electoral identity card;
- (ii) passport;
- (iii) Aadhar / National Population Register (NPR) card;
- (iv) ration card;
- (v) photo identity card issued by any Government agency;

- (vi) occupancy certificate from Municipal Corporation / Municipality / Panchayat;
- (vii) most recent water or telephone or electricity or gas connection bill;
- (viii) Income Tax assessment order.

Here, the respondent stated that either the ownership certificate as per Regulation 45 (1) of Kerala Electricity Supply Code 2014 or consent of the building owner as per Regulation 45 (2) of Kerala Electricity Supply Code 2014 was not produced by the appellant for getting the electricity connection. On perusing the document file, it is seen that the appellant had produced the Aadhaar Card as the proof of the personal identification and an agreement for sale dated 11-05-2018 executed between the appellant and one Mr. K.T John. Also, it is seen that the building ownership certificate dated 18-01-2021 issued from the Kochi Municipal Corporation is in the name of Mrs. Anna Mary Rosakutty.

In the hearing on 29-10-2021, the respondent produced a notice dated 01-07-2021 sent by Sri. A.T. Anilkumar, Advocate to the respondent intimating that a case vide OS No: 899/2019 is pending for disposal before the Munsiff Court, Ernakulam regarding the ownership of the 'Flat' where the appellant sought electricity connection. Also, it is stated in the notice that the notice was sent to the respondent by the advocate on behalf of Mrs. Anna Mary Rosakutty.

At this juncture, it is to be noted that Clause 22 (d) of the Kerala State Electricity Regulatory Commission ( Consumer Grievance Redressal Forum & Ombudsman) Regulations 2005, provides that "no representation to the Ombudsman shall lie in case where a representation for the same grievance by the complainant is pending in any proceedings before any Court, Tribunal or Arbitrator or any other Authority or a decree or award or a final order has already been passed by any such Court, Tribunal, Arbitrator or Authority".

Since the matter of dispute in ownership of the "Flat" lies before the Hon'ble Munsiff Court, Ernakulam vide OS No: 899/2019, which restricts the maintainability of the appeal petition filed before this Authority. Hence, the appeal petition filed by the appellant, need no further action at this Authority and hence, stands rejected.

**Decision: -**

For the reasons detailed above, the Appeal Petition vide P-050/2021 filed by the appellant stands dismissed as it is found not maintainable before this Authority. The order of CGRF, Central Region in OP No. 17/2021-22 dated 06-08-2021 is upheld.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/050/2021/ \_\_\_\_\_ dated \_\_\_\_\_.

**Delivered to:**

1. Sri. Thomas. P.O., IAS Golden Residency, S.A. Road, Kadavanthara, Ernakulam Dist.
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., College, Ernakulam Dist.

**Copy to:**

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, CGRF-CR, 220 kV Substation Compound, KSE Board Limited, HMT Colony P.O., Kalamassery, PIN: 683 503.