

STATE ELECTRICITY OMBUDSMAN

Thaanath Building Club Junction Pookkattupadi Road Edappally Toll

KOCHI 682024

www.keralaeo.org

Phone 04842575488 +919447226341 Email : info@keralaeo.org

REPRESENTATION No: P 123/2010

Appellant : Sri K.T.Abdul Gafoor

S/o K.T.Hamza Haji

Kanagankode House

Kunnamangalam Kozhikode

Respondent: Kerala State Electricity Board

Represented by

The Assistant Executive Engineer

Electrical Sub Division, Kunnamangalam , Kozhikode Dt

ORDER

Sri K.T.Abdul Gafoor , Kanagankode House,Kunnamangalam submitted a representation on 27.1.2010 seeking the following relief:

Order to dismantle the meter and metering equipment of consumer number 199 under Electrical Section Kunnamangalam and refund the excess cash deposit to the Appellant

Counter statement of the Respondent was obtained and hearing conducted on 13.05.2010

The Appellant had purchased a plot with 12.75 cents area and an old building with consumer number 199 under Electrical Section Kunnamangalam and conducted hotel business in the building. Panchayath authorities refused owner ship certificate to the building on 7.4.2008 on the ground that a case was going on in the Appellate Tribunal against the alleged unauthorized modifications done. The Respondent inspected the premises on 4.11.2008 and issued a notice to the consumer alleging that the unauthorized extensions/dangerous conditions existed in the premises. The service was disconnected on 6.11.2008.The Respondent conducted another inspection on 12.11.2008 and found that the 3 phase meter of the service connection 199 had been shifted to a new wall without authorization or permission and prepared scene mahazar and filed a police case on 17.11.2008.The Kunnamangalam police registered a case vide number Crime 507/08 under section 136 of the Electricity act 2003.The case is now pending with Judicial First Class Magistrate of Kunnamangalam vide number 664/09.

Mean while the Appellant obtained an order from the Hon:High Court on 18.12.2008 to effect a new connection on production of owner ship certificate. Accordingly a new 3 phase connection was effected on 20.1.2009.

As such two 3 phase service connections with consumer number 16656 (New- live) and 199 (old-dead) are existing on the same wall in the premises of the consumer. The

Appellant submitted a request for dismantling the service connection number 199 on 22.1.2009 .But KSEB did not approve the request on the ground that it would weaken the case before the JFCM Court. They approached the CGRF . The CGRF upheld the position of KSEB officials.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

Discussion and Findings:

It can be seen that the issues related to the existing position of the service connection199 , the authenticity of the alleged shifting of the same to the existing position etc are being reviewed by the JFCM Court in relation to the Case number 664/09 (CC 507/08). Under this situation it would not be proper to take a decision on the plea of the Appellant to dismantle the meter of the service connection 199 . Any interference on the positioning of Meter could also be interpreted as tampering of evidence in the above case. As such I decide to keep away from taking any decisions on the matter.

Orders:

Upon perusing the above representation filed by the Appellant and the counter affidavit filed by Respondent along with all the connected records relating to the case and upon hearing the arguments of both sides the following orders are issued:

1. *The arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*
2. *No order on costs.*

Dated this the 14th day of May 2010 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 123 /2010/ 553 / dated 13.05.2010

- Forwarded to:1. Sri K.T.Abdul Gafoor
S/o K.T.Hamza Haji
Kanagankode House
Kunnamangalam Kozhikode Dt
2. The Assistant Executive Engineer
Electrical Sub Division, Kunnamangalam , Kozhikode Dt

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,
KSE Board , Kozhikkode

