

THE STATE ELECTRICITY OMBUDSMAN

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REVIEW PETITION No. R.P/002/2023 IN APPEAL PETITION No: P-075/2022

**(Present: A. Chandrakumaran Nair)
Dated: 06th February, 2023**

Review Appellant	:	Sri. P.P. Kishor Kumar, Sreesaileswaree Nilayam, Keezharithazhe Kattilapeedika, Vengalam P.O., Kozhikode Dist. 673302
Review Respondents	:	Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Koyilandi North, Kozhikode Dist.

ORDER

Background of the case:

The review appellant Sri. P.P. Kishore Kumar is a consumer of Licensee (KSEBL) from Vengalam, Kozhikode. The review appellant claiming that the Licensee had drawn a service wire through his land without consent. There was a post from which the service wire of his neighbour was taken, which has been shifted 1½ M away and then service wire was taken over the land belongs to the review appellant. The petition was filed to CGRF and then as appeal to this Authority. The original petition No. P-075/2022 has been disposed of on completing the procedural formalities. The review petition has been submitted on 05-01-2023 to this Authority to review the order placed on the petition No. P-075/2022.

Maintainability of Review Petition as per Regulation

The Section 27 (A) of KSERC (CGRF & Electricity Ombudsman) Regulations 2005 states the procedures to be adopted for the review petition.

Section 27 (A) (1) The Electricity Ombudsman may, either on its own motion or an application of any person aggrieved by an order, review its order on the following grounds, namely: -

- (i) On the discovery of a new and important matter or evidence which, after the exercise of due diligence, was not with his knowledge or could not be produced by him.
- (ii) Mistake or error apparent on the face of the record.

Section 27 (2) An application under clause (1) shall be filed within period of fifteen days from the date of receipt of the order.

Provided that the Electricity Ombudsman may entertain an application after the expiry of the said period of fifteen days, if it is satisfied that the applicant had sufficient cause for not preferring the review within such period.

Section 27(3) If on a preliminary examination of the application, if the Electricity Ombudsman found that there is no sufficient ground for review, it shall reject the application after affording an opportunity of being heard to the applicant.

The review petition is to be filed within 15 days from the date of receipt of the order, which has been complied herewith. Section 27 (1) states the review is to be accepted on discovering of a new and important matter or evidence, which could not be produced earlier or any mistake or error on the face of the record.

Here in this case the review appellant is stating the reason for review is that Ombudsman has not considered a fact which claim that “when the post is to be shifted, the cost of shifting is to be borne by the person/consumer who is receiving the power from the post.” The electric service connection from the said post is for his neighbour and hence, he has to bear the cost. This is not a fact and there is no regulation to justify or support his claim. This is a wrong/false statement. When a request for shifting a post is initiated by a consumer, he only has to meet the expenses as per Section 95 of Kerala Electricity Supply Code 2014 and the same has been clearly spelt out in the order dated 23-02-2022 of the petition P-075/2022.

The review appellant is not put forward any new fact or evidence worth, considering as per Section 27A of KSERC Regulations 2005. There is no error or mistake happened in the order.

However, a hearing of the case was conducted at 11-30 hrs. on 01-02-2023 in the office of the State Electricity Ombudsman, Near Gandhi Square/BTH, Ernakulam South. The review appellant Sri. P.P. Kishore Kumar along with his wife attended the hearing and review respondent Smt. Latha. K.R., Assistant

Executive Engineer, Electrical Sub Division, KSEBL, Koyilandi North, Kozhikode attended the hearing from the review respondent's side. In the hearing also, the review appellant is not able to produce any further facts, documents or evidence worth to consider. The review respondent also pointed out the claim he made is not the fact and the same is not as per regulations.

In view of the above, the review petition cannot be considered.

Decision: -

The review petition is hereby rejected and disposed.

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

ELECTRICITY OMBUDSMAN

RP/002/2023/_____ dated _____.

Delivered to:

1. Sri. P.P. Kishor Kumar, Sreesaileswaree Nilayam, Keezharithazhe Kattilapeedika, Vengalam P.O., Kozhikode Dist. 673302
2. Asst. Executive Engineer, Electrical Sub Division, KSEB Ltd., Koyilandi North, Kozhikode 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.