

**THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. RP/02/2024  
(Present A. Chandrakumaran Nair)  
Dated: February-28-2024**

Appellant : The Secretary,  
TRIDA, Jayamansion,  
Vazhuthacaud, Sasthamangalam,  
Thiruvananthapuram (Dist.)- 695010

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Limited,  
Kesavadasapuram,  
Thiruvananthapuram (Dist.)

**ORDER**

**Background of the case**

The review petition filed by the review appellant M/s TRIDA to review the order of the State Electricity Ombudsman on the petition P/056/2023. M/s TRIDA is a development agency of Thiruvananthapuram building commercial complexes and given out for rent. The review appellant is the owner of the Kedaram Complex at Kesavadasapuram Junction, Thiruvananthapuram. One of the shop was rented out to one Smt. Sarma Satheesan and she had availed service connection for the shop from the licensee. The consumer has defaulted the payment and accordingly the licensee has disconnected the power supply on 07/21 and dismantled on 14/04/2022. The review appellant has been re-issued the shops to another person but the licensee has not sanctioned the service connection due to the outstanding of current charges. Then the review appellant has made the payment to the licensee recovering from the balance security deposit of the tenant Smt Sarma Satheesan and also recovering from the salary of the Asst. Engineer. The CGRF issued order stating that the fixed charges are to be recovered only for 180 days from the date of disconnection. Then they have filed appeal petition to the Electricity Ombudsman praying for the full

refund of the payment made by the review appellant and the licensee has to recover the money from the consumer as per the Section 40 of the Kerala State Electricity Supply Code 2014. Ombudsman issued order dated 12-01-2023 stating that licensee has to charge the fixed charge only for 180 days for the deemed disconnection date which is 13-04-2021 and hence the fixed charge is applicable only up to 10-10-2021.

The review appellant had filed petition to review the order of the Ombudsman considering the following.

1. KSEB did not act timely to ensure electricity dues did not exceed the security deposit made by the registered consumer.

2. As the land owner had informed that consumer vacated the premises, KSEB should have dismantled the connection right away after deducting the arrears from the security deposit. As a land owner TRIDA is not liable to pay the fixed charges arising during the time delay for observing dismantling formalities of KSEB.

3. AE, KSEB section office, Kesavadasapuram did not accept the application for availing new service connection to the new tenant Shri. Biju H Nath. Against the inaction of KSEB section office, TRIDA sent complaint to the office of the DY. C.E, KSEB. Willful non acceptance of application for new service connection from new tenant Sri. Biju H Nath is a violation of Kerala Electricity Supply Code clause 40(3).

The review appellant prayed for the refund of full amount paid by them as per Section 40(3) of Kerala Electricity Supply Code.

### **Maintainability of Review Petition**

The maintainability of the review petition is to be examined as per Section 46 of the KSERC (CGRF and Electricity Ombudsman) Regulation 2023.

46(1) “The Electricity Ombudsman may, either on its own motion or on 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 within his knowledge or could not be produced by him;

(ii) mistake or error apparent on the face of the record.”

46(2) “An application under clause (1) shall be filed within a 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.”

46(3) “If on preliminary examination of the application, if the Electricity Ombudsman found that there is no sufficient ground for review, it shall reject the application after giving an opportunity of being heard to the applicant.”

The review petition is acceptable ;

1. If it would have submitted within 15 days from the date of receipt of order which is complied with.
2. If there would have been any mistake or error in the order. There is no error or mistake in the order.
3. On the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him.

Here in this case, the review appellant could not produce any matter or evidence which was not been considered while issuing the order. They are repeatedly quoting the Section 40(3) of the Supply Code -2014 but totally failed to produce any evidence to show that the new allottee has been applied for the service connection and hence this review petition is not maintainable.

### **Decision**

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken and accordingly the decision taken on appeal petition P/056/2023 is revised.

1. The petition is not maintainable and dismissed and disposed.
2. No order on cost.

## **ELECTRICITY OMBUDSMAN**

No. RP/02/2024/    dated: 28/02/2024.

Delivered to:

1. The Secretary, TRIDA, Jayamansion, Vazhuthacaud, Sasthamangalam, Thiruvananthapuram (Dist.)- 695010.

2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Kesavadasapuram, Thiruvananthapuram (Dist.)

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.