

**THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. P/59/2024  
(Present A. Chandrakumaran Nair)  
Dated: 11-11-2024**

Appellant : Sri. M. Mohammed Haji,  
Scarlet, Nallalam P.O.  
Kozhikode - 673027

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
Kerala State Electricity Board Ltd.,  
Kozhikode.

**ORDER**

**Background of the case**

The appellant Shri. M.Muhammed Haji is a HT Consumer of the Licensee with Consumer No. HTB-16/1631 having contract demand of 70 KVA under the Electrical Section, Kozhikode Central. The HT connection was connected on 1987. Before getting said HT Connection, two LT Connections were availed by the appellant in the same building because of urgency. The building is a 5 story building in which the basement is partially rented for shops, Ground floor is car parking and reception, Second Floor is occupied by a Bank. Third floor is occupied by an Insurance company and Fourth floor and Fifth floor is for a Hotel. Five more LT Connections were also availed for this building out of which two LT Connection were dismantled. At present One HT Connection and Five LT Connections are existing.

On 11/08/2020, the appellant requested to reduce the contract demand of his HT Connection to 40 KVA. As the electrical wiring scheme was changed, the appellant was asked to obtain the Energisation Certificate from the Electrical Inspectorate. The Electrical Inspectorate on inspection, had directed the appellant to avail single point supply to his building which means the LT Connection are to be removed and HT Connection is to be

retained. Petitioner was not interested for the same and filed petition to CGRF vide OP/051/2020-21 and then appeal to Kerala State Electricity Ombudsman which numbered as P/042/2020. The Ombudsman had issued order dtd 28/06/2021 stating the following:

1. Both Licensee and appellant jointly take steps to get approval of Electrical Inspectorate.
2. After getting the approval from the Electrical Inspectorate rectifying the defects of the metering system, appellant shall be given the benefit of lower contract demand.
3. The adjustment in the payment shall be done only after regularization of connections in the building and rectifying the defects of the system.

The appellant has not taken any action to obtain the Electrical Inspectorate approval stating that it is the responsibility of the Licensee. The wiring modification, etc are to be done by the Consumer and Scheme is to be submitted to the Inspectorate by the Consumer/Owner. The word jointly in the order is to carry out the responsibilities by the concerned parties which are to be executed as per the regulation. The necessary power distribution system modification of wiring if any and submission of details of Electrical Inspectorate etc are to be done by the Consumer. Without completing the responsibilities the appellant again and again approached various Judicial Fora to delay the actions.

The appellant again approached CGRF as OP/95/2022-23, and then OP/23/2024-25. Both these petitions were rejected and disposed off stating no merit in the case. The appellant has filed petition to the Kerala State Electricity Ombudsman as an appeal to the Order of CGRF dtd 13/08/2024 on OP/23/2024-25. It is also noted that the appellant had filed petition to Honourable High Court of Kerala as WP(C)/31751/2022. The prayer in the High Court of Kerala is for directing the respondent to comply with the Orders of State Electricity Ombudsman. The appellant also filed petition to KSERC for non compliance of Ombudsman's Order by the respondent which has been disposed off on 13/11/2023. The question is whether this petition is maintainable or not? as per the regulations.

### **Maintainability of the petition**

The appellant once filed petition to Electricity Ombudsman with the prayer of reducing contract demand. The order has been issued by the Ombudsman and the Order has not been complied by the appellant. Without complying the conditions in the order of the Ombudsman, the appellant approached various Judicial Fora and Courts and KSERC. CGRF & KSERC has been disposed the petition as there is no merit in the case. Then the appellant had filed the petition to the Honourable High Court of Kerala and this is pending. It is observed that that the appellant is a habitual litigant.

The KSERC(CGRF & Ombudsman) Regulation 2023, the Clause 38 describes about the maintainability of petition.

*(1)No representation to the Electricity Ombudsman shall be sustainable:*

*(i) unless the complainant has made a written representation in the specified form, to the Electricity Ombudsman;*

*(ii) unless the complainant is aggrieved on account of his complaint being not redressed by the Forum within the period and manner specified in these Regulations;*

*(iii) unless the representation against an order of the Forum was made within the period specified in these Regulations and is not in respect of the same subject matter that has been settled by the Electricity Ombudsman in any previous proceedings;*

*(iv) in cases 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.*

Here in this case, the subclause (iii) & (iv) are violated. The case is heard and settled by the Ombudsman and also the case is pending with Honourable High Court of Kerala.

The declaration in Form B of the petition filed to the Electricity Ombudsman also states that

*I/ We, the complainant/s herein declare that:*

*(a) the information furnished herein above is true and correct and*

*(b) I/ We have not concealed or misrepresented any fact stated in aforesaid columns and the documents submitted herewith*

*The undersigned or any of us or any of the parties concerned has not brought the subject matter of the present complaint before the Ombudsman to the best of my/our knowledge and belief*

*The subject matter of the present complaint is not in respect of the same, which was settled by the Ombudsman in any previous proceedings*

*The subject matter of the present complaint has not been pending/ decided by any Forum/ Court/ Arbitrator/ any other authority*

The appellant has given a wrong declaration and hence this petition is not maintainable. Submitting the petition with wrong declaration is a very serious matter. The appellant is here by warned not to repeat the same.

### **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.

1. The petition is rejected and disposed.
2. No other Costs Ordered

**ELECTRICITY OMBUDSMAN**

No. P/059/2024/\_\_\_\_\_ dated: 11/11/2024

#### **Delivered to:**

- 1.Sri. M. Mohammed Haji, Scarlet, Nallalam P.O.Kozhikode - 673027
- 2.The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Kozhikode.

#### **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, Vydhyuthi Bhavanam, KSE Board Ltd, Kozhikode-673011.