

**THE STATE ELECTRICITY OMBUDSMAN**

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**Review Petition No. RP/08/2024  
(Present A. Chandrakumaran Nair)  
Dated: 19-11-2024**

Appellant : Sri. Sunil Thomas, Managing Director,  
New Galaxy Theatre, Mundakkayam,  
Kottayam.

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division, KSE Board Ltd,  
Kanjirappally, Kottayam (Dist.)

**ORDER**

**Background of the case**

This petition was filed as the Review petition to petition P/052/2024 for which the Ombudsman had issued order on 9/10/2024. The complainant to the petition submitted to CGRF was Shri. Kurian Antony, New Galaxy Theatre, Mundakkayam. The CGRF order also issued in the name of Shri. Kurian Antony. The appeal to the Kerala State Electricity Ombudsman was submitted by one Shri. Sunil Thomas as the Managing Director of New Galaxy Theatre. The petitioner is not a consumer or the legal heir of the consumer as per the KSERC(CGRF and Ombudsman ) regulation 2023.

2(6) “Complainant” means any person who submits the complaint or grievance or representation as defined in these regulations against the distribution licensee and include the following:

(i) any consumer of electricity supplied by the licensee as defined under clause ( 15) of section 2 of the Act, including applicants for new connections; or

(ii) a voluntary electricity consumer association/ forum or other body corporate or group of electricity consumers; or

*(iii) the Central Government or State Government - who or which makes the complaint; or*

*(iv) in the case of death of a consumer, his legal heirs or representatives;*

The petitioner has failed to submit any document showing that he is the Consumer or Legal heir of the consumer. Accordingly the petition has been rejected and disposed. The Review Petition has been filed to review the decision of the Order of Ombudsman in petition P/52/2024. The petitioner has submitted the review petition stating that he is the Managing Director of the New Galaxy Theatre. Then why the petition to the CGRF was filed by Shri. Kurian Antony, who is the consumer as per record? This could be answered by the petitioner.

### **Maintainability of the Review petition**

The hearing of the review petition was conducted on 14/11/2024 at 11:00 a.m in the O/O Ombudsman D.H Road Ernakulam. The hearing was attended by the appellant representative Adv. Sijo and the respondent Sri. Kavitha P.R., Asst. Executive Engineer, Electrical Sub Division, KSE Board Ltd., Kanjirappally, Kottayam(Dist.).

The Clause 46 of the KSERC (CGRF and Ombudsman) Regulation 2023 described about the review of Orders the Ombudsman.

#### **46. Power to Review by the Electricity Ombudsman: -**

*(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.*

*(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.*

*(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.*

Here in the case no fresh matter or evidence have been produced. There is no mistake or error in the Order. As such this petition is not maintainable.

## **Decision**

1. As the petition is not maintainable as per the regulation, the petition rejected and disposed.
2. No other costs ordered.

## **ELECTRICITY OMBUDSMAN**

No. RP/08/2024/ \_\_\_\_\_ dated: 20/11/2024.

### Delivered to:

1. Sri. Sunil Thomas, Managing Director, New Galaxy Theatre, Mundakkayam, Kottayam- 686513
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kanjirappally, Kottayam (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.