

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION NO. P/050/2016  
(Present: V.V. Sathyarajan)  
Dated: 31<sup>st</sup> October 2016

Appellant : Sri. V. Christhu das,  
Souparnika,  
Kanjampazhinji P.O.,  
Neyyattinkara,  
Thiruvananthapuram

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd, Vizhinjam,  
Thiruvananthapuram.

### **ORDER**

The appellant, Sri V. Christhu das, has filed this appeal petition for disconnecting the service connection with consumer no. 20277 issued to Sri Nicholas, Karunya Bhavan, Kanchampazhinji P.O. Thiruvananthapuram, under the jurisdiction of Electrical Section, Poovar. The appellant's grievance is that the above service connection was availed by Sri Nicholas on production of fake ownership certificate and now using the premises as a saw mill even without obtaining license from the Local Authorities and sanction from the Pollution Control Board.

Meanwhile, the appellant filed a petition before the CGRF, Kottarakkara, and the Forum disposed the petition vide order in OP No. 53/2016 dated 16-06-2016, as; "Before going to the details of this case the Forum found that it is a matter of civil and criminal in nature. Already a civil suit is pending before the Civil Court against the owner of the saw mill. The matter of producing fake ownership certificate and building rules violation etc are not within the jurisdiction of this Forum. Considering the contentions as well as rival contentions it is revealed that the dispute can be resolved only after getting the order from the Civil Court. Hence the Forum decided to dispose the matter accordingly." Aggrieved by the said order of CGRF, the appellant has filed the appeal petition, before this Authority.

Hearing of the case was conducted on 26-10-2016 in my chamber at Edappally. The appellant himself appeared for hearing. Sri Joykutty T.K.,

Assistant Executive Engineer, Electrical Sub Division, Vizhinjam represented the respondent.

It appears that the appellant is only a neighbour of Sri. Nicholas (registered owner of service connection with consumer No. 20277) and that the appellant is not coming under the purview of the definition of a complainant as per **Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2005**. In short, he has no locus-standi to file this kind of petition before the CGRF or Electricity Ombudsman. As per Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2005, the **“complainant”** who is entitled to approach CGRF or Electricity Ombudsman is defined as follows:-

2. (e) **“complainant”** means –

- (i) **any consumer of electricity supplied by the licensee including applicant for new connections;**
- (ii) **a voluntary electricity consumer association/forum or other corporate or group of electricity consumers;**
- (iii) **the Central Government or State Government – who or which makes the complaint;**
- (iv) **in case of death of a consumer, his legal heirs or representatives.**

The term **“consumer”** is also defined in the said Regulation.

- (g) **“Consumer” means any person who is supplied with electricity for his own use by a licensee and includes any person whose premises are connected for the purpose of receiving electricity with the works of a licensee or a person whose electricity supply is disconnected by a licensee or the person who has applied for connection for receiving electricity from a licensee, as the case may be;**

The appellant herein is not a “complainant” as defined 2 (e) of the Regulations and the petition is not related to as a consumer. Hence he is not entitled to make a representation before this Authority. Moreover, it is seen that the present case is only a part of a larger dispute going on between the appellant and Sri Nicholas in various Forums including competent Civil Court. However, during the discussion it is revealed that the Additional District Magistrate Thiruvananthapuram has issued orders to temporarily discontinue the working of saw mill of Sri. Nicholas vide Order No. S9-40208/14 dated 01-09-2016.

In view of the facts that the appellant is not a **“consumer”** as defined in the Regulation 2 (g) of the Kerala State Electricity Regulatory Commission (CGRF and Electricity Ombudsman) Regulation, 2005 and he is not competent to file a complaint before this Authority. Since the appellant is not a **“complainant”** as per Regulation 2 (e) (i), this appeal petition is not maintainable in law. The appeal petition is dismissed as not maintainable.

## **ELECTRICITY OMBUDSMAN**

P/050/2016/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Sri. V. Christhu das, Souparnika, Kanjampazhinji P.O., Neyyattinkara, Thiruvananthapuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Vizhinjam, Thiruvananthapuram.

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, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.