

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/089/2017  
(Present: Sri. A.S. Dasappan)  
Dated: 30<sup>th</sup> October 2017

Appellant : Sri. R. Anilkumar,  
Akash Hotel,  
Madathara,  
Kollam.

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSEB Limited,  
Kadakkal, Kollam.

### **ORDER**

The appellant is having consumer no. 6318 under LT VIIA tariff. A bill for Rs. 18,795/- was issued to the appellant after inspection conducted by the Regional Audit Wing along with the Section officials on 27-02-2017. It is alleged that the appellant had connected unauthorized load of 2237 Watts in the premises. The appellant filed an objection before the Assessing Officer which was rejected. The appellant filed a complaint before the CGRF (South) against the assessment of the Assessing Officer. According to the respondent the matter of the complaint is an assessment under Section 126 of the Act and the CGRF is barred from entertaining such complaints in view of 21 (f) (vii) (I) of the KSERC (CGRF & Electricity Ombudsman) Regulations, 2005 and the Forum dismissed the petition due to lack of jurisdiction, vide order no. 400/2017 dated 27-06-2017. Aggrieved against this order this appeal petition was filed.

Hearing of the case was conducted on 20-10-2017 in the Court Hall of CGRF, Kottarakkara. Sri Anil Kumar, the appellant was present. Sri Shibu R, Assistant Executive Engineer, Electrical Sub Division, Kadakkal appeared for the respondent. In view of the arguments made by both parties, it appears that the foremost question to be decided in this matter is whether the appeal is maintainable or not. It is needless to enter into the merits of the case, if this Authority has no jurisdiction to entertain the matter.

Anyhow, I would like to reiterate that this Authority does not have any authority to entertain this complaint, since the bill raised under Section 126 based on allegation of unauthorised load of electricity and the assessment was made under Section 126 of Electricity Act, 2003 which falls under the exception clause 2 (f) (vii) (I) of the Regulations, 2005. The appellant's remedy was only to file an appeal before the Statutory Authority under Section 127 of the Act. Instead of filing before the said Appellate Authority, the present appellant approached first the CGRF and thereafter this Authority. Moreover, CGRF/Electricity Ombudsman has no jurisdiction to entertain such complaints relating to unauthorised use of electricity as provided under Section 126 of the Act. But it is not fair that the CGRF has directed the consumer to approach this Authority with an appeal. It is therefore held that this appeal petition is not maintainable. The order of the CGRF is upheld. The appeal petition is rejected as not maintainable.

#### **ELECTRICITY OMBUDSMAN**

P/089/2017/ \_\_\_\_\_ /Dated: \_\_\_\_\_

Delivered to:

1. Sri. R. Anilkumar, Akash Hotel, Madathara, Kollam.
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Kadakkal, Kollam

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.