

THE STATE ELECTRICITY OMBUDSMAN  
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APPEAL PETITION No. P/132/2017  
(Present: A.S. Dasappan)  
Dated: 9<sup>th</sup> March 2018

Appellant : Sri. Rajendra Pradsad  
Sani Enterprises,  
Ambalathukulangara,  
Chelanoor P.O., Kozhikode

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSE Board Ltd., Karaparambu,  
Kozhikode

### **ORDER**

The appellant had applied for a new electric connection for industrial purpose in a building having Panchayath Number CP16/2017A in Chelannoor Panchayath to the Assistant Engineer, Chelannoor Section on 23.06.2017. The appellant is a tenant of the building, from 2017 onwards, owned by Smt. Jayasree P., Kundamangalam. At the time of taking over (possession) of the property by the appellant, there were Electricity charge dues pending on the property. The KSEB had disconnected the electricity for default of payments by the previous consumer. The respondent denied new electric connection on the ground of previous arrears pending, and asked him to deposit the pending arrear as per regulation 40(3) of the Supply Code, 2014. Being aggrieved, the appellant then submitted a petition before the CGRF, Kozhikode, seeking to order for a fresh electric connection as they are not bound to pay the previous consumer's arrears. The request of the appellant was not allowed and the petition itself was dismissed, vide order No. CGRF/CR/91/2017-18 dated 01.12.2017. Aggrieved by the order of CGRF, the appellant has filed this Appeal Petition.

The hearing of the case was conducted on 20-02-2018, in the Court Hall of CGRF, Kozhikode and the appellant was represented by Sri. S.Rajendra Prasad and Sri. Sajeev M.T., Assistant Executive Engineer, KSEBL Koraparamba Sub Division appeared for the respondent and they have argued the case, mainly on the lines stated above.

During the hearing the appellant reported that they have filed a Writ Petition, WP(C) 5921/2018, before the Hon: High Court of Kerala against the CGRF Order, which is lying under its consideration. At this juncture it is to be noted that, Clause 22 (d) of the Kerala State Electricity Regulatory Commission (CGRF and Electricity Ombudsman) Regulations, 2005, provides that “Maintainability of the Complaint- (1) no representation to the Ombudsman shall lie in case 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”. Since a Writ Petition, against the order of the CGRF, Kottarakara, has already been filed by the appellant before the Hon’ble High Court of Kerala, and is pending for decision for the same cause of action and related grievances, it is not proper to examine the merits of the case and I feel that the Appeal Petition is not maintainable before this Authority and hence the same stands dismissed.

**Decision.**

The provisions made under Clause 22(d) of KSERC (CGRF and Electricity Ombudsman) Regulations, 2005, restricts the maintainability of the Petition before this Forum, when a similar nature Petition filed for the same cause of action and its related grievances, is pending before any other Court, Tribunal, Arbitrator or Authority. Here in this case, a writ Petition is seen filed by the appellant before the Hon: High Court of Kerala vide WP (C) No 5921/2018, and is pending for its decision. Hence the Appeal Petition No P/ 132/2017, filed by Sri. Rajendra Prasad, before this Forum is not maintainable for the reason stated above and therefore the said Petition stands dismissed and is ordered accordingly.

**ELECTRICITY OMBUDSMAN**

P/132/2017/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Sri. Rajendra Pradsad, Sani Enterprises, Ambalathukulangara, Chelanoor P.O., Kozhikode
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Karaparamba, 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, Vydhyuthibhavanam, KSE Board Ltd, Gandhi Road, Kozhikode.