

## STATE ELECTRICITY OMBUDSMAN

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### REPRESENTATION No: P 83/09

Appellant: Smt D.SarojiniAmma, PadmaVihar,  
Mulloor, Vizhinjam

Respondent: Kerala State Electricity Board  
*Represented by*  
The Assistant Executive Engineer  
Electrical Sub Division Vizhinjam

### ORDER

Smt D.SarojiniAmma, Vizhinjam submitted a representation on 23.6.2009 seeking the following relief :

*Restore the electric connection number 1189 under Kanjiramkulam Section to the family temple*

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 23.9.2009.

Sri Sadasivan Nair , husband of the Appellant was one of the legal heirs of a joint family called 'Adichnaazhi Puthen veedu' at Mulloor Vizhinjam. There was an electric connection vide number 1189 under Kanjiramkulam Section to the ancestral joint building which was effected in the year 1969. Consequent to partitioning of the ancestral property, this old house was demolished in 1992. The electric connection was retained by shifting it to the 'thekkathu', the family worship-room which happened to be jointly owned by the family members or had been kept out of partitioned properties. The tariff continued to be LT I Domestic under non-paying group. Mean while one Sri Murukan Nair, who was another legal heir, had procured some shares from other legal heir's property and constructed a new building in part of the land where the old ancestral joint building had existed. The connection 1189 was shifted back to this residential building in 5/2008. The Appellant had been agitating against this and seeks to restore the connection to the 'thekkathu'. The CGRF upheld the action of KSEB.

The representation with the pleas noted above is submitted to the under signed in the above back ground.

The Appellants contentions are that

1. The service connection had been in the name of Sri Sadasivan Nair the husband of the Appellant
2. The connection had been shifted to the common property 'thekkathu' of the family as per the joint decision of the family and as per the request of the Appellant's son Sri Srikumaran.
3. The partition deed and the subsequent land deeds are silent on the electric connection
4. Electricity from the connection had been used for the worship-place for around 16 years.

The Appellant had not produced any evidence to prove the first two contentions. The Appellant had not claimed that she had been representing other legal heirs of the ancestral temple or that she had been authorized by other heirs to take up the issue of electric connection to the appropriate authorities. During the hearing it was brought out that the temple structure had neither building number, nor revenue tax receipts. None of the official taxes are being paid for the building. The legal heirs had not made any attempts to jointly manage the worship-place.

The Respondent states that the Appellant had no locus-standi to approach the Ombudsman as she is neither the consumer nor user of electricity from the consumer no: 1189. They have also stated that Sri Murukan Nair who was staying in a temporary shed near the 'thekkathu' had been using the electricity from the connection and paying current charges for years together.

I do not feel it necessary to go further deep into the family issues raised by the Appellant. I will confine my self into the examination whether any grievance had been suffered by the Appellant.

To begin with it has to be verified whether the Appellant is a consumer as defined by the statutes.

The Section 42(6) of the Electricity Act 2003 states that 'any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission'.

The Act defines Consumer as 'consumer means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be'.

In the instant case the Appellant has no claim that she had been using electricity from Consumer no: 1189. In fact she is staying away from the area. The ancestral worship-place was neither owned by her nor had she been authorized by any other heirs to take up the matter with authorities. It had been brought during the hearing that Sri Murukan Nair had been conducting the day-to-day 'management' of the worship-place. The Appellant had failed to produce any evidence to establish that the connection had been in

the name of her husband originally. It is seen that the contention of the Respondent that the Appellant had no locus-standi to approach the Ombudsman as she is neither the consumer nor user of electricity from the consumer no: 1189 is correct.

Under the above circumstances I am inclined to dismiss the claim of the Appellant that the connection is to be restored to the worship-place building which has no building number, tax receipts or any valid ownership documents. The Licensee can not be directed to provide an electric connection to such a building which is a 'no-man's land' and which has no responsible owner to deal with .

Orders:

Under the circum stances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The Appellant plea for restoring the electric connection number 1189 under Kanjiramkulam Section to the family temple is dismissed.*
2. *No order on costs.*

Dated this the 12th day of October 2009 ,

P.PARAMESWARAN  
Electricity Ombudsman

No P83/09/ 371 / dated 13.10.2009

Forwarded to:1. Smt D.SarojiniAmma, PadmaVihar, Mulloor, Vizhinjam

2. The Assistant Executive Engineer, Electrical Sub Division  
Vizhinjam

Copy to :

1. The Secretary,  
Kerala State Electricity Regulatory Commission  
KPFC Bhavanam, Vellayambalam,  
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,  
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF, KSE Board ,  
VaidyuthiBhavanam, KOTTARAKKARA

