

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/058/2019
(Present: A.S. Dasappan)
Dated: 23rd September 2019

Appellant : Sri. P.K. Abraham
Flat No.4, B.P.T. Officers C.H.S.,
Plot No.4, Sector-10 A, Vashi,
Navi Mumbai 400703.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Kottayam

ORDER

The appellant, Sri. P.K. Abraham has filed an Appeal Petition dated 22-07-2019 before this Authority and stands numbered as P/058/2019. The appeal is against the order dated 20-06-2019 of CGRF, Kottarakkara, in the Petition OP No. 33/2019, filed before it. The premises under survey no.194/6 i.e. a shop no. 11/322 at Kumaranallor Junction on M.C. Road, Perumpaikad Village, Kottayam was owned by appellant. The tenant Mr. Sankaran had obtained power connection in the year 1954 in the premises with consumer number 8150. The power supply was disconnected by the department on 2/6/2014. The appellant alleges that he had remitted an amount of Rs. 8847/- on 10-03-2016 as outstanding arrears of previous consumer while taking a new connection.

The appellant secured new power connection under consumer no. 1146356025661. This appellant enjoyed the occupation of the premises from

March 2016 to December 2017 until the property was sold to one Mr. MM James. Power bills for that period were paid by the appellant. The contention of the appellant is that he remitted Rs.8847/- as the arrear of his tenant and he has the right to get refund of that amount as per Regulation 40 (3) of the Kerala Electricity Supply Code 2014.

The appellant had filed a petition CC 269/2017 before the Hon'ble CDRF Kottayam with the same request and the Forum dismissed the petition as per the order dated 30.11.2018 on finding that no deficiency of service has occurred from the part of the opposite parties. The Forum also found that the appellant had remitted the amount of Rs. 8847/- for clearing the pending arrear of his tenant.

The appellant also approached the CGRF (South) in OP No. 33/2019. The Forum as per the order dated 20.6.2019 disposed the petition as not maintainable. The CGRF (South) had remarked that the appellant had remitted the amount of Rs. 8,847/- for clearing the pending arrear of his tenant Sri. Sankaran K A. Aggrieved by the said order of CGRF, the Appellant has filed the Appeal Petition, before this Authority.

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 “no representation to the Ombudsman shall lie in case where a representation for the same grievance by the appellant 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 petition No. CC 269/2017 before the Hon'ble CDRF, Kottayam filed by the appellant disposed by the CDRF and in the light by the above provision under 22(d) of KSERC Regulations 2005, which restricts the maintainability of the petition filed for the same cause of action and relief, the Appeal Petition filed by the appellant, need no further action at this Authority and hence stands rejected.

This Authority also feels that the appellant is at liberty to prefer appeal before the Kerala State Consumer Disputes Redressal Commission, Thiruvananthapuram against the orders of CDRF, Kottayam.

Decision:

From the analysis done above and the conclusions arrived at, this Authority upheld the decision taken by the CGRF, Kottarakkara in OP No.33/2019 dated 20-06-2019.

Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/058/2019/_____ /Dated:_____

Delivered to:

1. Sri. P.K. Abraham, Flat No.4, B.P.T. Officers C.H.S., Plot No.4, Sector-10 A, Vashi, Navi Mumbai 400703.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Kottayam

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.