

STATE ELECTRICITY OMBUDSMAN

Thaanath Building Club Junction Pookkattupadi Road Edappally Toll

KOCHI 682024

www.keralaeo.org

Phone 04842575488 +919447226341 Email : info@keralaeo.org

REPRESENTATION No: P 89/09

Appellant : Smt P.K.Rabiya

W/o Muhammed Sadique

Sadique Nivas,GH Road,

FEROKE Kozhikode dt

Respondent: Kerala State Electricity Board

Represented by

The Assistant Executive Engineer

Electrical Sub Division KONDOTTY

Malappuram Dt

ORDER

Smt P.K.Rabiya, W/o Muhammed Sadique, Sadique Nivas, GH Road, Feroke submitted a representation on 25.8.2009 seeking the following relief :

To cancel the short assessment bill for Rs 385950/- issued by KSEB to Consumer Number 1453 Electrical Section Pulikkal

Counter statements of the Respondent was obtained and hearing of both the parties conducted on 28.10.2009 and 17.11.2009 .

Consumer Number 1453 in the name of Muhammed Sadique under Electrical Section Pulikkal was an LT industrial consumer . A bill amounting to Rs 4,33,635/-was issued to him in 10/2001 towards short assessment of current charges for the period from July 1993 to February 2001 consequent to omission of Multiplication Factor 2 in the monthly bills for the period. The consumer moved the Sub Court Tirur on the matter with OS 117/2001 and the Sub Court had passed its decree on 18th November 2003. Based on the Sub Court order the Respondent revised the invoice to Rs 3,85,950/- in May 2004. The consumer did not pay the bill, the connection was dismantled and ultimately the Respondent resorted to RR action .The Appellant moved CGRF who had upheld the action of the Respondent but ordered some minor alterations.

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

It is seen that the Appellant had agitated the issues involved in the matter before the Sub Court Tirur and the Court had issued its final decree on the matter on 18.11.2003 . The Appellant had concealed this fact when she submitted the declaration that 'the subject

matter of the present complaint has not been pending / decided by any forum/Court/Arbitrator/any other authority' along with the representation.

As per the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005 clause 22(1):

No representation to the Ombudsman shall lie in cases 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.

Under the above circumstances I am constrained to dismiss the representation without entering into the merits of the case.

How ever the Respondent is advised to settle the matter, which involves short assessment for a period of more than 90 months, with a lenient view allowing sufficient installments and reduced interest rates if the Appellant comes up with willingness to make payments.

Dated this the 17th day of November 2009,

P.PARAMESWARAN
Electricity Ombudsman

No P 89 /09/ 405/ dated 18.11.2009

- Forwarded to: 1. Smt P.K.Rabiya
W/o Muhammed Sadique
Sadique Nivas, GH Road,
FEROKE Kozhikode dt
2. The Assistant Executive Engineer
Electrical Sub Division KONDOTTY
Malappuram Dt

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 Kozhikode

