

THE STATE ELECTRICITY OMBUDSMAN

D.H. Road & Foreshore Road Junction, Near Gandhi Square,
Ernakulam, Kerala - 682016

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**Appeal Petition No. P/07/2026
(Present A. Chandrakumaran Nair)
Dated: 04-05-2026**

Appellant : Sri.G.Asokan
Plot No.5, Subash Nagar,
Vallakkadavu P.O.,
Thiruvananthapuram (dt)- 695008

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSE Board Limited,
Fort, Thiruvananthapuram(Dist.)

ORDER

Background of the case

The petitioner is the resident of plot no.5, Vallakadavu P.O president owners Guild of Heera Shopping Complex of MG Road Pazhavangadi, Thiruvananthapuram. The petition is not against any deficiency in service between Licensee and the petition. The complaint regarding the service connection given by the Licensee to a third person named Shri. B. S Riyas alleging that the connection was given unlawfully. The statement of fact submitted by the respondent states that Shri. B. S Riyas has submitted an application for electricity connection for a kiosk situated in Heera Chambers which is a Commercial complex situated at MG Road Pazhavangadi, TVM. The applicant produced an agreement for sale executed on stamp paper between the developer and the applicant. The connection was granted on conducting the field inspection convincing the occupancy. The consumer is remitting the electricity charges regularly. The petitioner B. Asokan had filed the petition to CGRF which was numbered as Op/43/2025-26.The CGRF issued order states that the Licensee has to ascertain that the connection to Shri. B.S Riyas was given in accordance with the Regulation 45 of the Kerala Electricity Supply Code 2014, if not to take corrective measures. The petitioners filed appeal petition to this authority challenging the order of CGRF. Then the Licensee had issued the notice to the consumer to produce

the required documents to check the compliance of Regulation 45 of the Supply Code 2014. Shri.B.S Riyas had filed the petition to the Hon'ble High Court of Kerala vide WP©/8347 of 2026, challenging the notice issued by the Assistant Engineer. The Hon'ble High Court of had ordered to maintain status quo. The Hon'ble High Court of Kerala in the interim order dated 05/03/2026, directed the Licensee to consider the objection submitted by the petitioner and pass appropriate orders. Accordingly the Licensee had conducted hearing on 17/03/2026 and issued the order stating that the service connection bearing no.11454032020922 shall be continued subject to the orders which may be issued by the competent judicial/statutory authority.

Maintainability of the petition

The respondent had challenged the maintainability of this petition before CGRF as well as Ombudsman. This is to be examined as per KSERC (CGRF & Ombudsman)Regulation 2023. The regulation 2(6) of the KSERC regulation 2023 has been defined the complainant.

2(6) “Complainant” means any person who submits the complaint or grievance or representation as defined in these regulations against the distribution licensee and include the following:-

(i) any consumer of electricity supplied by the licensee as defined under clause (15) of section 2 of the Act, including applicants for new connections; or

(ii) a voluntary electricity consumer association/ forum or other body corporate or group of electricity consumers; or

(iii) the Central Government or State Government - who or which makes the complaint; or

(iv) in the case of death of a consumer, his legal heirs or representatives;

Here the petitioner is not a consumer or legal heir or Central/State Government. The petitioner demanding that he is representing voluntary electricity consumer association/Forum. The petitioner argued that he is the president of Owners Guild of Heera Shopping Complex but the same is not a consumer forum or association. The Clause 38 of the above regulation describes about the maintainability of the representation.

38. Maintainability of the representation.—(1) No representation to the Electricity Ombudsman shall be sustainable:

(i) unless the complainant has made a written representation in the specified Form, to the Electricity Ombudsman;

(ii) unless the complainant is aggrieved on account of his complaint being not redressed by the Forum within the period and manner specified in these Regulations;

(iii) unless the representation against an order of the Forum was made within the period specified in these Regulations and is not in respect of the same subject matter that has been settled by the Electricity Ombudsman in any previous proceedings;

(iv) 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.

The matter is under consideration is pending with Hon'ble High court of Kerala and hence it is not maintainable as per the above regulation in this Authority.

Further the main dispute is regarding the ownership of the kiosk which is a civil case and not under the jurisdiction of this authority.

Decision

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The appeal petition filed by the petitioner is not maintainable and hence dismissed and disposed.
2. No other charges allowed.

ELECTRICITY OMBUDSMAN

No. P/07/2026/ _____ dated: 04/05/2026

Delivered to:

1. Sri.Asokan.G, Plot No.5, Subash Nagar, Vallakkadavu P.O., Thiruvananthapuram (dt)- 695008
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Fort, Thiruvananthapuram.

Copy to:

- 1) The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
- 2) The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
- 3) The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.