

THE STATE ELECTRICITY OMBUDSMAN

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Appeal Petition No. P/037/2026 (Present A. Chandrakumaran Nair) Dated: 02-09-2026

Appellant : Sri. Thomas Samuel
Jaison Saw Mills
2/1280, Pullupalam, Kochi,
Ernakulam (dt)- 682001
(Residing Address: H No.33/2888, TLRA 2,
Tagore Lane, Elamakkara,
Near Federal Bank,
Ernakulam (dt)- 682026)

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited,
Thoppumpady, Ernakulam (dt)

ORDER

Background of the case

The appellant Sri. Thomas Samuel is a consumer of the licensee under the Electrical Section, Fortkochi bearing consumer no. 1155642002263. The three phase power supply was availed for operating a saw mill under the tariff LT 4A. The appellant is a senior citizen who want to disconnect the power supply as the operation of saw mill is not financially viable. The application for disconnection was submitted by him to the section office on 27/01/2026 and paid the disconnection charges. The license has not disconnected the power supply stating that the power charges were regularly paid without any arrears. The licensee issued by Municipal Corporation, Pollution Control Board and Forest Department, etc. Were expired/ cancelled. As the licensee has not taken any action to disconnect the power the petition was filed to CGRF vide OP/110/25-26 and CGRF issued order dtd 22/04/2026 on completing the proceedings. Aggrieved by the order of CGRF, this appeal petition was filed to this Authority by the appellant.

Arguments of the Appellant

I may be permitted to appraise about the issue leading to the application made by me for cancellation of KSEB license. I have gone through the order stating totally incorrect aspects which can be seen only as a narration given by Mr. K. E. Johnson of Kottackal Timbers to suit his needs.

K. E. Johnson of Kottackal Timbers has no KGST/CST Reg No. at our Pullupalam yard and his Reg office is at Door No.1/1617 S.Thamarapparambu, Cochin- 682001 from 1990. All other statutory licenses are in the name of Thomas Samuel only which I have mentioned in the Form A. I am a senior citizen of 73 years old and owner of the property having an extend of 13.750 cents in survey no.495/1-B 495/2-6 of Fort Cochin village. Cochin Taluk where I am conducting a saw mill with all statutory licenses and also having a saw mill building bearing door no.11/1280 of Cochin Municipal Corporation and other equipment's there in.

I was abroad in connection with my avocation for quite some time and as such my visit to the afore said property was not regular though I was having a manager to look after the same and presently I am back and settled down here and has decided to close down the saw mill as per details given in my letter dtd 02/03/2026. Accordingly I had canceled "Corp of Cochin licence, pollution licence and Forest Dept licence". As the application for cancellation of the "Factory and Boiler Certificate" can not be given until the KSEB disconnection is granted and it is accordingly I approached KSEB for canceling my electricity connection to my saw mill.

On 4th April 2026 the forest ranger from Kodanaad visited our factory and made following remarks. "Lack of proper maintenance, the saw mill shed is in a pathetic state and can collapse any moment and also the KSEB current lines are in a dangerous state." So they have canceled our forest licence. It is already mentioned in the CGRF order that as per Regulation 138(f) KSEB shall disconnect supply if directed by a "competent authority" and we firmly believe that "forest dept" is a competent authority and their remarks are more than enough for KSEB to dismantle the lines immediately.

We understand that KSEB can not permit a saw mill to function once all statutory licenses are canceled and shall be closed on the expiry of period of licence or cancellation or suspension of these licenses. Infact KSEB is likely to disconnect the electricity supply to the saw mill if it is operating without these licenses as per rules and regulations governing the operation of saw mills in Kerala.

we do not intend to harm or disturb anybody. This is our ancestral property and I have three daughters and do not have any other income. Our intention is to sell this property and have a peaceful life. Myself and my wife are aged and sick. We therefore, kindly request your good office to look into this matter and instruct KSEB to dismantle the lines immediately to avoid all these further problems.

Arguments of the Respondent

The averments contained in Paragraph No.1 of the Appeal are admitted only to the limited extent that the Appellant had submitted an application requesting dismantling/disconnection of the service connection. The remaining averments, to the extent they are inconsistent with the records of the Respondent, are denied. It is respectfully submitted that the Appellant's application was duly received by the Electrical Section, Fort Kochi and was processed in accordance with the provisions of the Electricity Act, 2003 and the Kerala Electricity Supply Code, 2014. However, the mere submission of an application for dismantling does not cast an automatic or mandatory obligation upon the Distribution Licensee to disconnect or dismantle the service connection forthwith. Before taking any decision on the application, the Respondent was duty bound to verify the factual position at site and ensure that the proposed action was in conformity with the statutory provisions governing electricity supply. Accordingly, a detailed site inspection was conducted by the officials of the Electrical Section, Fort Kochi. The inspection revealed that the saw mill was functioning, workers were present in the premises and electricity supplied through the service connection was actively being utilised. There were no arrears of current charges and the consumption pattern also indicated regular usage of electricity. In such circumstances, the Respondent could not have dismantled the service connection merely on the basis of the application submitted by the Appellant. The Respondent was legally bound to act only in accordance with the statutory provisions and therefore no deficiency in service can be attributed to the Respondent.

The allegation that the findings of the Hon'ble Consumer Grievance Redressal Forum were based solely on the representation submitted by Sri. K.E. Johnson is factually incorrect and wholly without basis. The Hon'ble Consumer Grievance Redressal Forum passed the impugned order only after considering:

- the complaint preferred by the Appellant;
- the Statement of Facts filed by the Respondent;
- the documentary evidence produced by both parties;
- the site inspection findings;
- the representation received from Sri. K.E. Johnson;
- and the oral submissions made during the hearing.

The representation submitted by Sri. K.E. Johnson was only one among the several materials available before the Forum. The findings of the Forum were primarily based on the factual position established during inspection and the statutory provisions governing the issue. It is pertinent to submit that the site inspection conducted by the officials of the Respondent independently established that the saw mill was functioning, workers were engaged in the premises and electricity was being regularly utilised. These factual findings are independent of the representation submitted by Sri. K.E. Johnson.

It is respectfully submitted that the issue involved in the present appeal is not the ownership of the property or the validity of licences issued by other statutory authorities. The sole issue is whether the Respondent was legally justified in declining the request for dismantling of the service connection in the facts and circumstances prevailing at the relevant time. The Respondent acted strictly in accordance with the provisions of the Kerala Electricity Supply Code, 2014, particularly Regulation 146, and therefore no deficiency in service can be attributed to the Respondent.

It was also represented before the Respondent by Sri. K.E. Johnson that he was in occupation of the premises, that the saw mill was functioning, that electricity supplied through the service connection was being utilised, and that the electricity charges were being regularly remitted. The cancellation or non-renewal of licences issued by other statutory authorities does not, by itself, create an automatic legal obligation upon the Distribution Licensee to disconnect or dismantle an electricity service connection. Any request for disconnection or dismantling of a service connection shall be considered strictly in accordance with the provisions of the Kerala Electricity Supply Code, 2014, framed by the Kerala State Electricity Regulatory Commission in exercise of the powers conferred under Section 50 of the Electricity Act, 2003. The Respondent, being a statutory Distribution Licensee, is legally bound to act in conformity with the said statutory provisions and cannot act contrary thereto.

In the above factual circumstances, Regulation 146 of the Kerala Electricity Supply Code, 2014 became directly applicable. The said Regulation specifically provides that where the consumer requests for disconnection of supply or dismantling of the service connection while the electricity supply is being utilised and paid for by a lawful occupier of the premises, the supply shall not be disconnected and the service shall not be dismantled. Accordingly, having regard to the findings made during the site inspection and the materials available before the Respondent, the request for dismantling could not have been acted upon merely on the basis of the application submitted by the Appellant. The Respondent acted bona fide and strictly in compliance with the provisions of the Kerala Electricity Supply Code, 2014. Hence, there is absolutely no deficiency in service on the part of the Respondent.

It is submitted that the cancellation of the Forest Licence or any observations made by the Forest Department are matters falling within the jurisdiction of the said authority. However, the Distribution Licensee is governed by the provisions of the Electricity Act, 2003 and the Kerala Electricity Supply Code, 2014 while considering any request for disconnection or dismantling of a service connection. The Respondent had duly considered all the materials made available by the Appellant.

The Appellant has placed reliance on Regulation 138(f) of the Kerala Electricity Supply Code, 2014. However, the said reliance is misplaced. The Hon'ble Consumer Grievance Redressal Forum, after considering the entire facts and circumstances of the case, has categorically held that in the

absence of any valid order or notice issued by a competent authority specifically directing disconnection of electricity supply, the Distribution Licensee could not disconnect the service connection merely because certain licences had been cancelled.

It is respectfully submitted that the Respondent has never permitted any activity in violation of law. On the contrary, the Respondent acted strictly in accordance with the statutory provisions governing electricity supply. During the inspection conducted by the officials of the Electrical Section, Fort Kochi, it was found that the saw mill was functioning, electricity supplied through the service connection was being utilised and workers were present in the premises. It was also represented before the Respondent that the premises were under the occupation of a person who was utilising the electricity supply and remitting the electricity charges. In such circumstances, Regulation 146 of the Kerala Electricity Supply Code, 2014 became directly applicable.

The Respondent is a statutory Distribution Licensee functioning under the Electricity Act, 2003 and is required to discharge its statutory duties strictly in accordance with the provisions of the Kerala Electricity Supply Code, 2014. Accordingly, the request of the Appellant for dismantling of the service connection was considered strictly in accordance with law and not on the basis of personal or equitable considerations. It is therefore respectfully submitted that no deficiency in service, negligence or omission can be attributed to the Respondent.

Analysis and findings

The hearing of the appeal petition was conducted on 11/08/2026 at 11.00am in the office of the State Electricity Ombudsman, DH Road & Foreshore Road Junction, near Gandhi Square, Ernakulam South. The hearing was attended by the appellant Sri. Thomas Samuel and Sri. Samuel Johnson and the respondent Smt. Anu S. Ramesh, Asst. Executive Engineer, Electrical Sub Division, KSEBL, Thoppumpady, Ernakulam (dt).

The appellant is consumer of the licensee, KSEBL under LT 4A tariff. The three phase power supply was availed for the purpose of operating a saw mill named "Jaison Saw Mills" situated at Pullupalam, Fortkochi. This saw mill was originally owned by A. C, Samuel, the father of the appellant. The appellant had obtained this saw mill and the land measuring around 14 cents from his father. Then the saw mill was operated by the appellant and the license issued by the Municipal Corporation and the license issued by the Forest Department are in the appellant's name. The consent issued by the Kerala State Pollution Control Board also in the name of the appellant.

The license issued by the Kochi Municipal Corporation was expired on 08/01/2026 and not renewed further. The consent issued by the Kerala State Pollution Control Board in the name of Jaison saw Mills was revoked by their letter dtd 08/04/2026. The license issued by the forest department for M/s Jaison Saw Mill was canceled vide their order dtd 22/05/2026. At present operating the saw mill is not economically viable. As all the

permits/consents are expired or canceled, the saw mill is to be closed down. Accordingly the appellant has submitted the request for disconnection and dismantling to the Electrical Section office on 27/01/2026 and the necessary fee of the service connection have been paid.

The licensee states that the officials have conducted an inspection and observed that saw mill was functioning and workers are actively engaged. The power supply was being utilized for the purpose operating the saw mill. There was no pending electricity charges in the said consumer number. The licensee also states the representation was submitted by one Sri. K. E. Johnson claiming that he is operating the saw mill with six workers for last 35 years and requested not to disconnect the power supply. The respondent states that the supply has not been disconnected according to regulation 146 of the Kerala Electricity Supply Code, 2014.

146. Supply of electricity not to be disconnected when utilised and paid for by a lawful occupier of the premises. - *In case the consumer requests for disconnection of supply or for dismantling of service, while the supply is being utilised and paid for by a lawful occupier of the premises, the supply shall not be disconnected and service shall not be dismantled.*

This regulation states that the supply should not be disconnected if the power is utilized and paid by the lawful occupier of the premises. Here the question is whether the occupier is a lawful occupier or not. The respondent have received only a letter given by Mr. Johnson. There is no lease deed or rental deed between the actual owner and the occupier. There is no occupancy certificate issued by local bodies produced by the occupier to the respondent. Then how the respondent had considered him as a legal occupant. The respondent had failed to answer this question. As the occupant is not the lawful occupant regulation 146 is not applicable in this case.

It is noted that the occupant had approached the Court of Principal Munsiff, Kochi against the eviction by the appellant. The Hon'ble Court had issued an injunction order against eviction on 01/04/2026. The eviction for the premises is subject to the Court order. Here the occupant is seen to be not a lawful occupant and he has failed to produce any document to prove that he is a lawful occupant. In the meanwhile the Kochi Municipal Corporation had issued a notice to close down the operation within 24 hrs vide notice dtd 22/05/2026 as this operation is illegal. The saw mill is functioning without any mandatory statutory clearances. This order is issued by the Corporation after the injunction order issued by the Munsiff Court. It is the responsibility of the corporation to see that the industries are operating with all statutory clearances. Here this saw mill is operating without any licenses/consent/clearances from the statutory bodies. The respondent states in the letter dtd 13/03/2026, that the average consumption per month is around 100 units. The daily consumption is less than 4 units only. Then it is doubtful, whether any machinery is working or not. As the direction of the corporation is to close down this particular industry the licensee can exercise power given as per the regulation 138(f) of the Kerala Electricity Supply Code, 2014.

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 licensee shall comply with the decision of CGRF to action as per the regulation 138(f) of the Kerala State Electricity Supply Code, 2014.
2. The petition is disposed accordingly.
3. No other costs approved.

ELECTRICITY OMBUDSMAN

No. P/037/2026/_____ dated: 02-09-2026.

Delivered to:

- 1) Sri. Thomas Samuel, H No.33/2888, TLRA 2, Tagore Lane, Elamakkara, Near Federal Bank, Ernakulam (dt)- 682026
- 2) The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Thoppumpady, Ernakulam dt.

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, 220 kV substation compound, HMT Colony P.O, Kalamassery - 683503