

THE STATE ELECTRICITY OMBUDSMAN

Charangattu Bhavan, Building No.38/2829,
Mamangalam-Anchumana Road, Edappally, Kochi-682 024
www.keralaeo.org Ph: 0484 2346488, Mob: 91 9539913269
Email:ombudsman.electricity@gmail.com

**REVIEW PETITION No. R.P/004/2021
IN APPEAL PETITION No: P-074/2018**

(Present: A.S. Dasappan)
Dated: 2nd February, 2022

Review Petitioner : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Sivapuram,
Kannur Dist.

Review Respondent : Sri. Gangadharan C
Chettiyamkandi House,
Alayatt, Thillankeri P.O.,
Mattanur, Kannur Dist.

ORDER

The Review Petitioner is the respondent in Appeal No. P-074/2018. The Review Respondent/appellant is a domestic consumer with consumer No. 10105 under Electrical Section, Kakkayangad having connected load of 4250 Watts. The grievance of the appellant is that the respondent issued an exorbitant bill amounting to Rs. 23,119/- on 28-9-2017 for a bimonthly consumption of 2811 units. The appellant approached the respondent with a complaint against the impugned bill. But the respondent stated that they have checked the accuracy of the meter and no variations or discrepancies were noticed during the testing of the existing meter. Accordingly the respondent directed the appellant to remit the bill amount. Being aggrieved against the direction, the appellant filed a petition before the CGRF, Kozhikode with a request to grant 12 equal monthly installments and the Forum disposed of the petition vide order No. OP 120/2017-18 dated 16-01-2018 allowing the petition. The appellant had filed an appeal petition before this Authority with a request to waive the bill amount of Rs. 23,119/-. The request of the appellant before the CGRF was for granting installments in the bill amount, but before this Authority is to waive the bill stating other arguments, which were

not considered by the CGRF. Hence, the appellant was allowed to remit the previous bill amount for the month of 9/2017 for the time being and the appellant was directed to prefer a petition describing his grievances before CGRF by complying with the formalities for filing petition, if he desires so and the CGRF shall consider the same, vide order no. P/09/2018 dated 30-04-2018. On the basis of this order, the appellant submitted another petition before the CGRF, which was dismissed in Petition OP No. 35/2018-19 dated 31-07-2018. Aggrieved by this order, the appellant filed appeal petition before this Authority with a request to waive the bill amount of Rs. 23,119/-.

This Authority took a decision in the Appeal No. P-074/2018 vide order dated 08-11-2018 as follows:

“The bill for Rs. 23,119/- is quashed. The respondent is directed to revise the bill for the period from 4-5-2017 to 28-9-2017 by taking the average of the consumption of three billing cycles after 3-11-2017 after deducting the bills already paid during the disputed period. The order of CGRF, Kozhikode vide order no. P/35/2018-19 dated 31-07-2018 is set aside. Having concluded and decided as above, it is ordered accordingly. The Appeal Petition filed by the appellant is found having merits and is allowed. No order on costs.”

Against the order, the Review Petitioner submitted the review petition after 1140 days with a request to review the order dated 08-11-2018 in Appeal No. P-074/2018 and to issue a revised order.

The arguments raised by the review petitioner are the following:

The petition P-074/2018 was disposed vide order dated 08-11-2018 by the Electricity Ombudsman in favour of the petitioner by quashing the electricity bill dated 28-09-2017 amounting to Rs.23,118/- issued by the Electrical Section, Kakkayangad, the Licensee/KSEB Ltd. The Licensee felt it necessary to submit a review petition before the Ombudsman and as such submitted a review petition on the order before the Ombudsman by furnishing the points mentioned in accompanying review petition. The time limit of filing the review petition is over by delaying 1140 days. The review petitioner ascertained that the delay occurred in submitting the review petition is not willful. During the period of case conduct, the Assistant Executive Engineer, Electrical Sub-Division, Iritty was the respondent in

the petition. There were 9 numbers of Electrical Sections functioning under Electrical Sub Division, Iritty. The Electrical Sub Division, Iritty was bifurcated and the jurisdiction of Electrical Section, Kakkayangad office, from which disposed bill had been issued came under the jurisdiction of Electrical Sub Division, Sivapuram, this review petitioner's office. During the year 2019 there occurred heavy rain and flood in this area and the distribution network was badly affected by the natural calamity. KSEBL staff from other Sections were deployed and the work have to be coordinated. During 2020 and 2021 first half, COVID pandemic affected this area and normal functioning of officer was badly affected. This pandemic was high among public and staff and caused restrictions owing to lockdown were there in this area too. Due to these reasons, the review could not be filed. Hence, it is prayed that the above delay of 1140 days in filing the petition may kindly be condoned and the review petition may kindly be admitted.

The Review Respondent/appellant has submitted the following statement of facts in reply to the review petition:

The appellant brought the energy meter from Electrical Section, Irikkur and handed over to the Electrical Section, Kakkayangad as directed from the Section Office while applying for electric connection. The first two electricity bills received from the Section Office were below Rs.400/-, but the third bill was exorbitant. The materials having ISI certification were used for the premises wiring. As such, the appellant wants exemption from paying the exorbitant bill.

An online hearing was conducted on 21-01-2022 with prior intimation to both the Review Petitioner and Review Respondent. Sri. K.K. Pramodkumar, Assistant Executive Engineer, Electrical Sub Division, Sivapuram attended the hearing for the review petitioner and Sri. C. Gangadharan attended the hearing for the review respondent. On examining the review petition, the counter statement of the respondent, the documents attached and the arguments made during the hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

As per Regulation 27A of the KSERC (CGRF & Electricity Ombudsman) Regulations 2005, an application for review shall be filed within a period of fifteen days from the date of receipt of the order. In this case, the review petition against

the order in Appeal Petition No. P-074/2018 dated 08-11-2018 was received only on 27-12-2021. It is found that the review petition is time barred by limitation. Moreover, the review petition had not furnished any additional information in the review petition for a review of the order once issued, but furnished only the reasons for the delay in filing review petition. In the review petition nothing is pointed out further, which escaped from the notice of this Authority while disposing the appeal petition. The review jurisdiction is limited to rectify a mistake or an error which is apparent on the face of records and it cannot be used as appellate jurisdiction. This Authority had considered all the arguments while disposing the appeal petition. A decision once rendered by a Competent Authority/Court on a matter in issue between the parties after a full enquiry should not be liable to be agitated over again before the same Authority/Court. In this background, this Authority did not find any reason to intervene the order already issued.

Decision

In view of the above discussions, I hold that review petition is not maintainable and hence, rejected.

Having decided as above, it is ordered accordingly.

ELECTRICITY OMBUDSMAN

RP/004/2022/ _____ /Dated: _____

Delivered to:

1. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Sivapuram, Kannur Dist.
2. Sri. Gangadharan C, Chettiyamkandi House, Alayatt, Thillankeri P.O., Mattanur, Kannur Dist.

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.