

THE STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION No. P/092/2022**(Present: A. Chandrakumara Nair)****Dated: 25th December, 2023**

Appellant : Sri. Ramadas. P.K.,
Parakkal House,
Kongad P.O.,
Palakkad Dist. 678631

Respondent : Asst. Executive Engineer,
KSE Board Ltd., Electrical Sub Division,
Kongad, Palakkad Dist.

ORDER

The appellant Sri. Ramdas. P.K. submitted an appeal to this Authority against the order of Consumer Grievance Redressal Forum (NR) dated 10-11-2022. The appellant stated in the 'Form B' that he is the consumer with Consumer No. 1165233037982. The statement of fact submitted by the respondent i.e., AEE, Electrical Sub Division, Kongad of the Licensee stated that the consumer of the Consumer No. 1165233037982 is Smt. Vasantha Gopal Sadanam, Kongad. The appellant is a tenant of the rooms given on rent by Smt. Vasantha Gopal Sadanam.

The Section 2 (e) of Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2005, defines the "complainant": -

Section 2 (e) 'Complainant' means-

- (i) any consumer of electricity supplied by the licensee including applicants for new connections;
- (ii) a voluntary electricity consumer association/forum or other body corporate or group of electricity consumers;
- (iii) the Central Government or State Government - who or which makes the complaint;
- (iv) in case of death of a consumer, his legal heirs or representatives.

The Section 2(g) of the same regulation defines the “consumer” as below:-

Section 2 (g) 'Consumer' means any person who is supplied with electricity for his own use by a licensee and includes any person whose premises are connected for the purpose of receiving electricity with the works of a licensee or a person whose electricity supply is disconnected by a licensee or the person who has applied for connection for receiving electricity from a licensee, as the case may be;

The definition of “consumer” as per Section 2 (15) of Indian Electricity Act 2003 is: -

Section 2 (15) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

While examining above Sections of Act and Regulation, the appellant is neither a complainant or consumer. The statement given in the Form B is a wrong statement. Accordingly, an explanation was sought from the appellant and the replay of the same has been filed. The explanations given are not satisfactory as there is no justification for the above.

The appellant quoted the Section 43 of Indian Electricity Act, 2003 which states as “licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply”. This Section states when an owner or occupier of any premises apply for electrical connection, licensee shall give supply. The occupier is having the right to get electricity or transfer of electric connection when they approach the Licensee with proper documents. When the supply is obtained then the occupier will become a consumer. Here the occupier has not transferred the connection to his name, so he is still an occupier and not a consumer.

The appellant also mentioned about Rule 3 of Electricity (Rights of Consumer) Rule 2020, which states that “It is the duty of every Distribution

Licensee to supply electricity on request made by an owner or occupier of any premises in line with the provisions of the Act. It is the right of the consumer to have minimum standards of service for supply of electricity from the Distribution Licensee in accordance with the provision made in these rules and as per 2 (k) of Rule defines occupier is “Owner, tenants or person in occupation of the premises where electricity is used or proposed to be used”. Here also the occupier is having the right to get electric connection from the Licensee, when the connection is availed then the occupier becomes a consumer and then consumer is having the right to get minimum standard of service from the Licensee. These are not the justifications to make a tenant as the consumer, when he is not the consumer and owner of the shop is only the consumer.

As per the records of the Licensee, the consumer is the owner of the building. The appellant is not supplied with electricity by the Licensee and appellant is only the occupier of the premises when the electricity obtained by the owner of the premises. The status of the appellant has not changed from the “occupier” to the consumer.

If the actual consumer is still having any grievance in this particular issue, they can approach the Consumer Grievance Redressal Forum for the resolution. CGRF has wrongly accepted this complaint and heard the same and order issued wrongly. CGRF has to comply with the regulation.

The appeal petition filed by the appellant is disposed of accordingly.

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

ELECTRICITY OMBUDSMAN

P/092/2022/_____ dated _____.

Delivered to:

1. Sri. Ramadas. P.K., Parakkal House, Kongad P.O., Palakkad Dist. 678631
2. Asst. Executive Engineer, KSE Board Ltd., Electrical Sub Division, Kongad, Palakkad Dist.

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, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode.