

**THE STATE ELECTRICITY OMBUDSMAN**

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Appeal Petition No. RP/004/2023  
(Present A. Chandrakumaran Nair)  
Dated: June-12-2023

Appellant : Sri. Shaji M  
Puthiyaparambath, Kakkampara  
Palacode P.O., Vengara, Kannur

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
KSEB Limited,  
Payyannur, Kannur.

**ORDER**

**Background of the case**

The appellant is a domestic consumer of the licensee under the section Ramanthali at Payyannur. The complaint was about drawing electrical line and placing the post and stay wire blocking the access to his property from the road. There was a public pathway which has been converted into a tarred road in front of his land at eastern boundary. The appellant requested the officials of the licensee to shift the post and stay wire and they have not agreed to shift the post and line. The appellant filed a civil case in the Munsif Court of Payyannur and is pending for decision. The appellant approached the CGRF and then appealed to this authority. The appeal petition numbered P/10/23 and hearing was conducted on 19-04-2023 and an order issued dated 25/04/2023. The civil case was pending in the court and hence the petition was dismissed as per Section 22(1)(d) of KSERC (CGRF and Electricity Ombudsman) Regulation 2005. Aggrieved by the decision of the Ombudsman in the appeal petition, this review petition is filed to this authority.

## **Maintainability of the Review Petition**

The review appellant's case filed to the Munsif Court with reference number 05/92/2021 is still pending in the Court. In the petition filed to ADM by the respondent as per the Indian Telegraph act 1885, no decision has been taken as the civil case is pending. This shows that the status of the case is not changed till date.

The Section 27A of KSERC (CGRF and Electricity Ombudsman) Regulation 2005 states on the ground of accepting the Review Petition.

27A (1) *“The Electricity Ombudsman may, either on its own motion or an application of any person aggrieved by an order, review its order on the following grounds, namely: -*

(i) *On the discovery of a new and important matter or evidence which, after the exercise of due diligence, was not with his knowledge or could not be produced by him.*

(ii) *Mistake or error apparent on the face of the record.”*

(2) *“An application under clause (1) shall be filed within period of fifteen days from the date of receipt of the order.*

*Provided that Electricity Ombudsman may entertain an application after the expiry of the said period of fifteen days, if it is satisfied that the applicant had sufficient cause for not preferring the review within such period.”*

(3) *“If on a preliminary examination of the application if the Electricity Ombudsman found that there is no sufficient ground for review, it shall reject the application after affording an opportunity of being heard to the applicant.”*

There is no new and important matter or evidence could produce by the review appellant and also there is no mistake or error happened in the order.

The review appellant in his review petition stating that his prayer is not the same as that he filed in the Munsif Court. He has failed to establish any other prayer other than that of blocking his way to his property by the licensee by erecting the post and stay wire.

The review appellant is tried to state the case is to be heard by the Ombudsman as per the Sections 2f(i), 2f(ii), 2f(vi) of the KSERC (CGRF and Electricity Ombudsman) Regulation 2005. These sections are as below.

2(f) *“Complaint means any grievance made by a complainant in writing on:*

(i) *Defect or deficiency in electricity service provided by the licensee;*

(ii) *Unfair or restrictive trade practices of licensee in providing electricity services;*

*(vi) electricity services which are unsafe or hazardous to public life in contravention of the provisions of any law or rule in force.”*

In these sections also the appellant is failed to produce the document to establish his argument. Further the original appeal petition was not against the section 2(f) (i), (ii), (vi).

The original petition was only about the erection of post and stay wire blocking the access to his property. Then this petition mentioning about the sections is seen to be a new case/ petition. An order once placed has to be reviewed only based on the same prayer not with any other prayer. If the petitioner is having any other prayer, then new petition is to be filed to CGRF and then appeal to Ombudsman.

In view of the above there is no merit for review the order placed by the Ombudsman for the petition P/10/2023.

## **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. This review petition is dismissed.
2. No order on cost.

## **ELECTRICITY OMBUDSMAN**

No. RP/004/2023/ 01189 dated: 12/06/2023.

Delivered to:

1. Sri. Shaji M, Puthiyaparambath, Kakkampara, Palacode P.O., Vengara, Kannur.
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Payyannur, Kannur.

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.