

**THE STATE ELECTRICITY OMBUDSMAN**

D.H. Road & Foreshore Road Junction, Near Gandhi Square,

Ernakulam, Kerala-682 016

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**Appeal Petition No. P/059/2023  
(Present A. Chandrakumaran Nair)  
Dated: January-24-2024**

Appellant : Sri. Dr. A.S. Ramaswamy, Krishna  
Hospital, M.G. Chittor Road,  
Ernakulam(Dist.)-682011.

Respondent : The Deputy Chief Engineer, Electrical  
Circle, KSE Board Ltd., Ernakulam,  
Ernakulam (Dist.).

The Special Office Revenue, Vydyuthi  
Bhavanam , KSE Board Limited,  
Pattom, Thiruvananthapuram-4.

**ORDER**

The Petition No. P/059/2023 filed according to the order of CGRF against the petition No. CGRF-CR/OP No. 90/2022-23/29 dated 28/04/2023 had been considered for hearing on 24/01/2024 at 10:30 in the office of the State Electricity Ombudsman, D.H. Road & Foreshore Road Jn., near Gandhi Square/BTH, Ernakulam South. The hearing was attended by the appellant's representative Sri. M.C. Venugopal along with Adv. Smt. K.S. Sumitha and the respondents Sri. Asokan S, Senior Superintend, O/o Special Office Revenue, Sri. Vijayakumar V, Superintend, O/o Special Office Revenue, Sri. Tito V. William, NOL, Ernakulam and Smt. Mollyja Lucy Xavier, Asst. Executive Engineer, ESD College.

On examining the file, the main prayer of the petitioner is to implement the order of CGRF, which is a non-compliance of the order of CGRF by the licensee. The non-compliance is to be examined by the KSEERC and appropriate action has to be taken accordingly. Hence, this petition could not be treated as an appeal petition. Further, the licensee has produced the copy of the order Hon'ble High Court Kerala in WP(C) No. 35877 OF 2023. The licensee has filed the WP to the Hon'ble High Court against the order of CGRF. The Section 22 (d) of Kerala State Electricity Regulatory Commission (CGRF & Electricity Ombudsman Regulation 2005) states as follows.

The Section 22(1) “No representation to the Ombudsman shall lie:

(d) “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.”

As the case is pending in the Hon’ble High Court, Ombudsman is not in a position to proceed further petition filed. In view of the above, the petition is disposed herewith.

### **ELECTRICITY OMBUDSMAN**

No. P/059/2023/\_\_\_\_\_ dated: 24/01/2024.

Delivered to:

1. Sri. Dr. A.S. Ramaswamy, Krishna Hospital, M.G. Chittor Road, Ernakulam(Dist.)-682011.
2. The Deputy Chief Engineer, Electrical Circle, KSE Board Ltd., Ernakulam, Ernakulam (Dist.).
3. The Special Office Revenue, Vidyuthi Bhavanam , KSE Board Limited, Pattom, Thiruvananthapuram-4.

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.
3. The Chairperson, Consumer Grievance Redressal Forum, 220 kV Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503