

THE STATE ELECTRICITY OMBUDSMAN

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**Appeal Petition No. P/013/2024
(Present A. Chandrakumaran Nair)
Dated: May-013-2024**

Appellant : Sri. Dr. P.N. Premachandran,
Pranavam, T.C. 15/285 (2) ANRAMS.38,
Althara Nagar, Vellayambalam,
Thiruvananthapuram (Dist.)-10

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSE Board Ltd,
Vellayambalam, Thiruvananthapuram (Dist.)

ORDER

Background of the case

The appellant Dr. P.N. Premachandran is the consumer under Electrical Section, Peroorkada which is under the Vellayambalam Electrical Sub Division with consumer No. 1145082009119. The appellant is the owner of the house no. TC:24/498 and has been rented out to Smt. Lathika Kumari for running a ladies hostel. Thiruvananthapuram corporation had found out that this ladies hostel was functioning unauthorisedly without proper license etc., from the corporation authorities. Accordingly corporation had issued letters to the licensee vide letter dated 23/03/2022, 08/04/2022 and 12/04/2022 to disconnect the power supply to this house as it was functioning as hostel without license. Then the officials of licensee conducted an inspection on 11/04/2022 and found the tariff misuse in this connection. The building named 'Indra Prastham' bearing no. TC: 24/498 (old no. TC:04/546) belongs to the appellant and 3 phase connection was obtained on LT 1A tariff for the domestic purpose. The house was taken on rent by Smt. Lathika Kumari to run a ladies hostel and a rental agreement was signed on 01/12/2020. The site mahazar was prepared by the inspection team and connected load is found to be 6.409 kw. The tariff

applicable for private hostel is LT 7A. The power connected on LT 1A was utilized for the purpose of commercial use where the tariff applicable is the LT 7A. As per the section 126 (6) (b) (iv) of The Electricity Act 2003, and its amendment Act 2007 that 'for the purpose other than for which the usage of electricity was authorised' prepared the provisional assessment for an amount of Rs. 66,987/-. Then appeal hearing was conducted by AEE, Vellayambalam and attended by Smt. Lathika Kumari, the occupier of the house. The assessing officer confirmed the amount and sanctioned 4 instalments for paying the amount. The occupier has not paid the amount and then the licensee has issued notice to the appellant who is the consumer. The consumer is contenting that he is not aware of this matter and the licensee have not informed the consumer about the developments. Now, the occupier has vacated the premises and the owner has to make the payment. The appellant filed the petition to CGRF and CGRF issued order dated 14/02/2024 stating that the petitioner has to file the appeal to the Appellate Authority as per section 127 of Electricity Act 2003. Aggrieved by the decision of CGRF, this appeal petition is filed to this authority.

Maintainability of the petition

The hearing of the appeal petition was conducted on 02/05/2024 at 12:30 pm in the Meeting Room, Visvesvaraya Bhavan, Institution of Engineers of India, Kerala State Centre, Opposite Kanakakkunnu Palace, Thiruvananthapuram Dist., Pin-695033. The hearing was attended by the appellant Sri. Dr. P.N. Premachandran and respondent Sri. Sreekumar V, Asst. Executive Engineer, Electrical Sub Division, KSE Board Ltd., Vellayambalam.

The functioning of CGRF and ombudsman are governed by the regulations formed by Kerala State Electricity Regulatory Commission as per the power conferred under section 181 and section 42 of the Electricity Act 2003. Accordingly, (the consumer grievance redressal forum & electricity ombudsman) regulation is formed by KSEERC and is in force. The regulation 2(7) of the (CGRF & Electricity Ombudsman) regulation 2023 the detailed definition of complaint is explained.

2(7) complaint *“Complaint means any submission made by or on behalf of a complainant in writing including via e-mail, social communication platforms, online or verbally over phone, if such phone numbers are specified by a licensee for lodging complaints, or by visiting personally to such offices of the licensee which are designated by the licensee for registering the complaints within the licensee, seeking Redressal including but not limited to the following:*

i. defect or deficiency in the electricity service provided by the licensee;

- ii. *unfair or restrictive trade practices of the licensee in providing electricity services;*
- iii. *charging of a price in excess of the price fixed by the Commission for supply of electricity and allied services;*
- iv. *errors in billing;*
- v. *erroneous disconnection of supply;*
- vi. *issues related to applications for new connection, dismantled connections, streetlights etc.;*
- vii. *electricity services which are unsafe or hazardous to public life in contravention of the provisions of any law for the time being in force; or*
- viii. *any other matters connected with the supply of electricity by the licensee, except those related to the following:-*
 - (a) *unauthorized use of electricity as provided under section 126 of the Act;*
 - (b) *offenses and penalties as provided under Sections 135 to 141 and 150 of the Act; and*
 - (c) *accident in connection with the distribution, supply or use of electricity as provided under section 161 of the Act; ”*

The complaint which are to be accepted and to be heard by the CGRF and Electricity Ombudsman is clearly spelt out in the definition. All the matters connected with electricity except the unauthorised use of electricity under section 126 of the Electricity Act 2003 not maintainable as per this regulation.

As per the section 127 of the Electricity Act 2003, the appeal of such cases under 126 are to be filed to appellate authority.

127. Appeal to appellate authority.-(1) *“Any person aggrieved by the final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed”.*

The case in hand is pertaining to section 126 of the Act 2003 and hence this case is not within the purview of Electricity Ombudsman and hence disposed.

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. I hereby agree with the decision of CGRF.
2. The appellant is at liberty to file an appeal before the Electricity Appellate Authority as per Section 127 of the Electricity Act 2003.

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

ELECTRICITY OMBUDSMAN

No. P/013/2024/_____ dated: 13/05/2024.

Delivered to:

1. Sri. Dr. P.N. Premachandran, Pranavam, T.C. 15/285 (2) ANRAMS.38, Althara Nagar, Vellayambalam, Thiruvananthapuram (Dist.)-10.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Vellayambalam, Thiruvananthapuram (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, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.