

**STATE ELTHERECTRICITY OMBUDSMAN**

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Opp: Kochi Corporation Regional Office, Edappally, Kochi-682 024

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**Appeal Petition No: P/186/2011.**

(Present Sri.T.P.Vivekanandan)

Appellant : Sri. T.P. Balan

M/S Malabar Marbles, Orkkatteri, Vadakara (via) Kozhikode District

Respondent : The Assistant Executive Engineer,

Electrical Sub Division, KSEB, Muttungal PO, Kozhikode, PIN 673102.

**ORDER.****Background of the Case: -**

Sri.T.P.Balan, M/S Malabar Marbles,Orkkatteri, Kozhikode, has filed an Appeal Petition dated 10/1/2011 before this Forum and stands numbered as P/186/2011. The appeal is against the order dated 29.11.2010 of CGRF, Kozhikode, in the Petition No.3080050/CGRF/KKD/10-11/377, filed before it. He has also filed a Writ Petition, WP©1386/2011, before the Hon: High Court of Kerala on 12/1/2011, against the CGRF Order, which is under its consideration.

The case was posted for Hearing on 30.3.2011 at Kozhikode, but the appellant was absent and the Respondent informed the Forum the filing of case at the Hon: High Court by the consumer. At this juncture it is to be noted that, Clause 22 (d) of the Kerala State Electricity Regulatory Commission (CGRF and Electricity Ombudsman) Regulations, 2005, provides that “no representation to the Ombudsman shall lie in case 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”. Since a Writ petition filed by the appellant lies before the Hon’ble High Court of Kerala and in the light by the above provision under 22(d) of KSERC Regulations 2005, which restricts the maintainability of the petition filed for the same cause of action and relief, the Appeal Petition filed

by Sri. T.P.Balan, M/s Malabar Marbles, Orkkatteri, need no further action at this this Forum and hence stands rejected.

Decision.

For the reasons detailed above, the appeal Petition No. P/186/ 2011, filed by the appellant Sri. T.P. Balan, M/s Malabar Marbles, Orkkatteri, Kozhikode District stands dismissed as it is found not maintainable before this Forum,.

**ELECTRICITY OMBUDSMAN**

No.P/186/2011/ 1113 Dated 06.02.2012.

Forwarded to:

- (1). Sri T.P. Balan M/s Malabar Marbles, Orkkatteri, Vadakara (via) Kozhikode.
- (2) The Assistant executive Engineer, Electrical Sub Division, KSEBoard, Muttungal, Kozhikode.

Copy to:

- (1). The Secretary, Kerala state Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
- (2). The Secretary, KSEBoard, Vidyuthibhavanam, KSEBoard, Pattom, Thiruvananthapuram-4
- (3). The Chairperson, Consumer Grievance Redressal Forum, KSEBoard, Vidyuthibhavanam, Gandhi Road, Kozhikode.