

STATE ELECTRICITY OMBUDSMAN

THAANATH BUILDING CLUB JUNCTION POOKKATTUPADI ROAD

EDAPPALLY TOLL KOCHI 682024

Phone 04842575488 +919447216341 Email : ombudsman.electricity@gmail.com

REPRESENTATION No: P 29/08

Appellant : The Secretary , Jewel Crown Flat Owners Association,
PALARIVATTOM, Kochi 25

Respondent: Kerala State Electricity Board *Represented by*
The Assistant Executive Engineer
Electrical Sub Division
PALARIVATTAM Kochi 25

ORDER

The Secretary , Jewel Crown Flat Owners Association, Palarivattom, Kochi submitted a representation on 10.10.2008 seeking the following relief :

1. The Invoice No 45044 dated 2/6/08 of KSEB Palarivattom and the Order No CGRF/Cr/Comp15/08-09 dated 9.9.08 of CGRF Ernakulam may be set aside
2. The KSEB may be directed to categorize the complainants connection as Domestic Connection
3. The KSEB may be directed to adjust the amount paid on 11.6.2008 as per interim order of CGRF in future bills.

The counter statement of the Respondents was obtained on 7.11.08 and a preliminary hearing conducted on 11.12.2008.

The Service Connection number 17513 in the above flats was given under Domestic tariff for common facilities of the apartments. The staff of the respondents on inspection in the premises of the Appellant found that the electricity from the connection was being used to provide power supply to the Power Pack of the Reliance Communications Company which in turn was reported to be used for energizing the Internet, Phones and other communication systems. The respondents issued an Invoice to the Consumer penalizing them under Section 126 of the Electricity Act 2003 and the Tariff was changed to Non Domestic .

The power supply to the service was subsequently disconnected. The flat owners submitted a petition to CGRF on 11.6.2008 .The CGRF issued an interim direction to restore power supply on payment of 30% of the bill amount. The CGRF in its final order dated 09.09.2008 upheld the action of the Respondent.

The Appellant submitted the above representation to the undersigned in the above back ground.

Upon perusing the above Representation and the counter affidavit filed by Respondent along with all the connected records relating to the case and upon hearing the preliminary arguments of both sides it is seen that the representation is related to *the unauthorized*

use of electricity as provided under section 126 of the Electricity Act 2003' and the consequent assessment .The CGRF and Ombudsman are not mandated to sit upon judgment on such issues as per the Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2005.The Electricity Act 2003 authorizes the Assessing Officer under Section 126 and the Appellate Authority under Section 127 of the Licensee to hear the Consumer and take appropriate decision on such issues.

The action of CGRF Ernakulam in hearing and deciding upon the matter is not in order. Under the circumstances explained above and after carefully examining all the records relating to the case furnished by the Appellant and Respondent , the representation is disposed off with the following orders:

- 1. The Representation No 29/08 submitted by The Secretary , Jewel Crown Flat Owners Association, Palarivattom, Kochi on 10.10.2008 is dismissed.*
- 2. The Order No CGRF/Cr/Comp15/08-09 dated 9.9.08 of CGRF Ernakulam is set aside.*
- 3. In the interest of justice it is also ordered that the Appellant may submit fresh objection/petition on the matter to the Assessing Officer under Section 126 of The Electricity Act 2003 and appeal if necessary thereafter to the Appellate Authority under Section 127 who shall hear the Consumer afresh and take appropriate decision on the matter.*

Dated this the 31st day of December 2008 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 29/08/ / dated 02.01.2009

Forwarded to: 1.The Secretary , Jewel Crown Flat Owners Association,
PALARIVATTOM, Kochi 25
2 .The Assistant Executive Engineer
Electrical Sub Division
PALARIVATTAM Kochi 25

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam, Thiruvananthapuram 695010

2. The Chairman
Consumer Grievance Redressal Forum
KSE Board, Power House buildings
Power House Road ERNAKULAM 682018

3. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004

4. The Chairman
Consumer Grievance Redressal Forum
KSE Board, VaidyuthiBhavanam
Gandhi Road Kozhikode 673032

5. The Chairman
Consumer Grievance Redressal Forum
KSE Board, Vaidyuthi Bhavanam
KOTTARAKKARA