

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/094/2014

(Present: Sri. V.V. Sathyarajan)

Dated: 29th day of July 2015

Appellant : Smt. Payyanattu Radha,
Chalil House,
Kithapuram,
Kappad P.O., Thazhe Chowva
Kannur – 670 006.

Respondent : The Assistant Executive Engineer,
KSEBoard Ltd,
Electrical Sub Division,
Chovva,
Kannur.

ORDER.

Background of the case

The appellant is a domestic consumer with Consumer No. 12235, under Electrical Section, Chovva, Kannur. On 14-06-2014 the power supply to the premises of the appellant was interrupted due to the falling of coconut bunch on the line. The appellant alleged that in spite of repeated requests made to the Section Office, which is only 3 km away from the premises, no one turned up from the respondent's side for 4 days to restore the supply. Aggrieved by this the appellant filed a petition before the CGRF vide OP No. 33/2014-15 on 17-06-2014 which was dismissed by the CGRF. Challenging the above orders of CGRF, the appellant filed an appeal petition dated 05/02/2015 before this Authority and stands numbered as P/94/2015.

Hearing of the case was conducted in the Court Hall of CGRF, Vydhyuthibhavanam, Gandhi Road, Kozhikode on 17/6/2015. Sri Payyanatt Anilkumar represented the appellant and Sri. Jagadeesan C, Assistant Engineer in charge appeared for the respondent. The respondent has reported that there is a petition pending on the same cause of action before the Hon'ble Human Rights Commission and Consumers Disputes Redressal Forum. The appellant also admitted the above facts that petition is pending before the Hon'ble Human Rights Commission and Consumers Disputes Redressal Forum. Since the petition filed by the appellant is pending before

the Commission and the Forum for the same cause of action for a decision, this Authority does not go into the merits of the case.

As per Regulation 22 (d) of the Kerala State Electricity Regulatory Commission (CGRF & Electricity Ombudsman) Regulations, 2005, ***“no representation to the Ombudsman shall lie 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”***. In this case on hand, petitions on the same issue are found pending before Kerala State Human Rights Commission and the Consumer Disputes Redressal Forum, Kannur.

Decision

In the light of the provisions under Regulation 22 (d) of Kerala State Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2005, which restricts the maintainability of the petition filed for the same cause of action and relief, the appeal filed the appellant, needs no further action at this end and accordingly stands dismissed.

ELECTRICITY OMBUDSMAN

No.P/094/2015/_____ /Dated.

Forwarded to:

1. Smt. Payyanattu Radha, Chalil House, Kithapuram, Kappad P.O., Thazhe Chovva, Kannur – 670 006.
2. The Assistant Executive Engineer, KSEBoard Ltd, Electrical Sub Division, Chovva, Kannur.

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, CV Raman Pillai Road, Thiruvananthapuram-10.
2. The Secretary, KSE B Ltd, Vydhyuthibhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSEBoard Ltd, Gandhi Road, Kozhikode