

THE STATE ELECTRICITY OMBUDSMAN

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REVIEW PETITION NO. P/08/2016

(Present: Sri. V.V. Sathyarajan)

Dated: 10th August 2016

Review Appellant : Sri. Alfred David,
Thundiparambil House,
Near Railway Station,
Chalakkudy - 680683

Review Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd.,
Chalakkudy, Thrissur

ORDER

The review appellant is a consumer having 7 single phase service connections with Consumer Nos. 30720, 30721, 30722, 30723, 30724, 30725 and 30726, under Electrical Section, Chalakkudy. The tariff of the above service connections was changed from LT I A to LT VII A - commercial, on the basis of an inspection conducted by the APTS in these premises on 25-04-2015. During the inspection it is found that the premise is being used as lodge for North Indian labourers and hence changed to commercial category. Against the tariff change from domestic to commercial category and the issuance of short assessment bill, the appellant filed a petition before the Assistant Engineer, Electrical Section, Chalakkudy who afforded an opportunity to hear the appellant and thereafter issued final bills confirming the provisional bills. Against the above decision, the appellant filed a petition before the CGRF, Ernakulam, requesting for restoration of tariff back to LT I A category, which was also dismissed holding that "the Forum has no jurisdiction in the subject matter". Not satisfied with the decision of the CGRF, the review appellant filed a petition before this Authority which was disposed in favour of the review respondent. Hence the review appellant has submitted this review petition with a plea to review the decision taken in the appeal petition No P/008/2016.

Arguments of the review appellant:

The review appellant submitted that as the review respondent on site inspection has detected that the inmates are using kerosene stove and cooking food, the appellant requested to cancel the mahazar prepared by the APTS. APTS mahazar says that the line houses are used for lodging purpose. But, on site inspection by

KSEB found that the inmates are cooking food. No lodge will allow inmates to cook food inside, so again mahazar is now invalid. All the rooms were closed at the time of inspection by the APTS. Hence the appellant alleged that the finding of the APTS that the individual line houses are used for lodging purpose is without any verification and is not correct. Information from Municipality proves the line houses are inbuilt with kitchen. Municipality ownership certificate also supporting the fact that this is a line house. The respondent has not produced copy of order from Deputy Chief Engineer in Aravindakshan's case.

Arguments of the review respondent:

During the inspection of Anti-Power Theft Squad on 25th April 2015, misuse of tariff was detected in all the line house premises. The order of the Hon'ble Ombudsman in OP No P/008/2016 dated: 27-05-2016 has been sent to LA & DEO, KSEB for legal opinion and will be implemented according to legal opinion. The Assessing Officer can revise the tariff according to the purpose of usage of power. The tariff of Sri Aravindakshan K, consumer No.7045 has been changed to LT VII A with effect from 12-07-2016 as per judgement dated 30-03-2015 on WP(C): 10152/2015 and order of Deputy Chief Engineer, Electrical Circle, Irinjalakuda. On site inspection it is noted that kitchen is not provided for the inmates. But they are cooking food using kerosene stove inside the room. The building is used for bachelor's accommodation of North Indian labourers.

Analysis and findings:

Hearing of the case was conducted on 04-08-2016 in my chamber at Edappally, Kochi. Sri Alfred David and Sri Deepak Antony represented for the review appellants side, and Sri V.P. Mohammed Sheriff, Assistant Executive Engineer, Electrical Sub division, Chalakkudy appeared for the review respondent and they argued the case on the above mentioned lines. On perusing the review petition, the statement of facts filed by the review respondent, the arguments of both sides in hearing and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions thereof.

In the review petition nothing is pointed out which escaped the notice of this Authority while disposing the appeal petition. The review jurisdiction is limited to rectify a mistake or an error which is apparent on the face of records and it cannot be used as appellate jurisdiction. The only reason stated by the review appellant is that the inmates are cooking food in the line rooms using kerosene stoves and this fact was admitted by the respondent during their site inspection. Further the review appellant stated that cooking of food will not be allowed in lodges.

The arguments now raised cannot be considered for a review as it was considered, decided and order issued accordingly. Hence there is no cause or sufficient reason established by the review appellant. A decision once rendered by a competent Authority/ Court on a matter in issue between the parties after a full

enquiry should not be liable to be agitated over again before the same Authority/Court.

Decision

In view of the above discussions I hold that the review petition is found devoid of merits and not maintainable, hence rejected.

ELECTRICITY OMBUDSMAN

P/08/2016/ _____ /Dated: _____

Delivered to:

1. Sri. Alfred David, Thundiparambil House, Near Railway Station, Chalakkudy - 680683
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd., Chalakkudy, Thrissur

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, CGRF-CR, 220 kV, KSE Board Limited, Substation Compound, HMT Colony P.O., Kalamassery, PIN: 683 503.