

**THE STATE ELECTRICITY OMBUDSMAN**

Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,  
Edappally, Kochi-682 024

[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9447576208

Email:ombudsman.electricity@gmail.com

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APPEAL PETITION NO. P/064/2016

(Present: V.V. Sathyarajan)

Dated: 5<sup>th</sup> December 2016

Appellant : Sri. Suresh Babu P  
Suresh Fruits & Vegetable Majestic,  
Commercial Complex,  
Malaparamba,  
Kozhikode

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
West Hill, KSE Board Ltd,  
Kozhikode

**ORDER**

The commercial service connection (LT VII A) with consumer No. 18490 under Electrical Section, Vellimadukunnu is registered in the name of Sri Abdul Kareem P. P. The appellant, Sri Suresh Babu is the present occupier of the premises, who is running a fruit and vegetable shop in the above premises. The sanctioned connected load of the premises was 1080 Watts. It is alleged that the appellant connected unauthorized additional load to the extent of 6 kW and was issued a provisional bill amounting to Rs. 77,462.00 as per Section 126 of Electricity Act, 2003. Though the registered consumer Sri Abdul Kareem filed objection against the provisional assessment, the respondent revised the assessment and issued a final bill for an amount of Rs. 74,324.00.

According to the appellant, even if he had connected additional load, the same has been recorded in the meter installed at the premises and the charges for the same have been paid promptly. There was no tariff misuse or theft of energy. Further the appellant relied on Regulation 153(7) of Supply Code, 2014 which reads: 'If it is found that any additional load has been connected without due authorization from the licensee or in violation of any of the provisions of the Central Electricity Authority (Measures relating to safety and electric supply) Regulations, 2010, as amended from time to time, the licensee shall direct the consumer to disconnect forthwith such additional load and the

consumer shall comply with such direction, failing which the supply of electricity to the consumer shall be disconnected by the licensee. In this case the respondent has not complied with Regulation 153(7). On the other hand, the respondent argued that the assessment is made under Section 126 of the Act, the CGRF and Ombudsman is barred from entertaining such complaints in view of Clause 2 (1) (f) (vii) (1) of the KSERC (CGRF and Electricity Ombudsman) Regulations, 2005.

Hearing of the case was conducted on 29-11-2016 in the CGRF court hall at Kozhikode. Sri P. Suresh Babu, the appellant was present. Smt. Bindu N.S., Assistant Executive Engineer, Electrical Sub Division, West Hill appeared for the respondent. The issue referred in this appeal is with respect to assessment made under Section 126 of Electricity Act. The allegation of extending supply from one premises to another premises and connecting additional load than the sanctioned load with the licensee's system tantamount to unauthorized use of electricity as specified under Section 126 of Electricity Act, 2003. This fact has been clarified by Hon'ble Supreme Court of India in the judgment in Civil Appeal No. 8859 of 2011 (2011 KHC 4978) (2012) (2) SCC 108) dated 20-10-2011. Any such disputes or complaints are not maintainable before CGRF and Electricity Ombudsman by virtue of Clause 2 (1) (f) (vii) (1) of the KSERC (CGRF and Electricity Ombudsman) Regulations, 2005.

So, on allegation of unauthorized use of electricity, the only remedy available to the appellant against such bill is to file an appeal under Section 127 before the statutory authority. Section 127 (1) of Electricity Act reads as follows:

***“Any person aggrieved by a final order made under Section 126 may, within 30 days of 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”.***

So in view of the above, I hold that the appeal is not maintainable and hence dismissed.

### **Decision**

In short, the appellant herein is not entitled to file a complaint before CGRF or this Authority against the bill raised under Section 126 of Electricity Act. If he had got strong arguments against the disputed bill, he ought to have raised the same before the Appellate Authority under Section 127 of the Act. Such a course is the only remedy available to him.

In the above circumstances, the appellant is hereby directed to file appeal before the Appellate Authority under Section 127 of Electricity Act, 2003 within a period of 30 days from the date of receipt of this order. The appeal filed by the appellant needs no further action at this end and accordingly stands dismissed. No order as to costs.

**ELECTRICITY OMBUDSMAN**

P/064/2016/\_\_\_\_\_ /Dated:\_\_\_\_\_

Delivered to:

1. Sri. Suresh Babu P, Suresh Fruits & Vegetable Majestic, Commercial Complex, Malaparamba, Kozhikode
2. The Assistant Executive Engineer, Electrical Sub Division, West Hill, KSE Board Ltd, Kozhikode

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, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Gandhi Road, Kozhikode