

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION NO. P/088/2017
(Present: Sri. A.S. Dasappan)
Dated: 06th November 2017

Appellant : Smt. Sudharma,
Prasanna Mandiram,
Palachira P.O.,
Varkala, Thiruvananthapuram.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSEB Limited,
Kallambalam,
Thiruvananthapuram

ORDER

Smt. Sudharma A, has filed an Appeal Petition dated 21-07-2017 before this Authority and stands numbered as P/088/2017. The appeal is against the order dated 17-06-2017 of CGRF, Kottarakkara, in the OP 433/2017, filed before it. She has also filed a suit in O.S. 213/2017, before the Hon: Munsiff Court, Varkala, against the KSEBL Assistant Executive Engineer, Kallambalam, and KSEBL Assistant Engineer, Palachira Section which is under its consideration.

Hearing of the case was conducted on 20-10-2017 in the Court Hall of CGRF, Kottarakkara. Smt. Sudharma, the appellant, appeared and Sri M. Badusha, Assistant Executive Engineer, Electrical Sub Division, Kallambalam appeared for the respondent. In view of the arguments made by both parties, it appears that the foremost question to be decided in the matter is whether the appeal petition is maintainable or not. It is needless to enter into the merits of the case, if this Authority has no jurisdiction to entertain the same.

The respondent informed in its statement of facts to the Forum the filing of case at the Munsiff Court, Varkala 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 an OS filed by the appellant lies before the Hon’ble Court 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 Smt. Sudharma, the appellant, need no further action at this Authority and hence stands rejected.

Decision.

For the reasons detailed above, the appeal Petition No. P/88/2017, filed by the appellant stands dismissed as it is found not maintainable before this Authority.

ELECTRICITY OMBUDSMAN

P/088/2017/ _____ /Dated: _____

Delivered to:

1. Smt. Sudharma, Prasanna Mandiram, Palachira P.O., Varkala, Thiruvananthapuram
2. The Assistant Executive Engineer, Electrical Sub Division, KSEB Limited, Kallambalam, Thiruvananthapuram

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, Kottarakkara - 691 506.