

THE STATE ELECTRICITY OMBUDSMAN
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REVIEW PETITION No. RP/07/2018 IN APPEAL PETITION No. P/036/2018
(Present: A.S. Dasappan)
Dated: 24th October 2018

Review Appellant : Sri. Aneesh Chandran
Aneesh Mandiram,
Thekkum bhagom,
Chavara South P.O., Kollam

Review Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd,
Karunagappally (South),
Kollam.

ORDER

The appellant had filed an appeal petition number P/036/2018 before this Authority, being aggrieved at the inaction of KSEBL to shift the transformer erected in front of his property situated under Electrical Section, Thevalakkara. The appellant alleges that due to the installation of transformer, he finds difficulty to enter the property. Though the appellant had approached the officers of KSEBL and District Collector for shifting the transformer, his grievance is not yet settled. The appellant has filed petition before the CGRF, Kottarakkara vide Petition No. OP No. 31/2018 and the CGRF has dismissed it by order dated 14-05-2018, as a case on same subject matter is pending before the District Collector. The Appeal petition was disposed of by upholding the orders issued by the CGRF, vide order dated 20-08-2018.

In the review petition, the review petitioner has stated that there is no procedure is pending before District Collector Office Kollam regarding the subject matter. The review respondent has submitted that the Additional District Magistrate Kollam has endorsed the complaint dated 12-02-2018 made by the review petitioner to the respondent [Assistant 'Executive Engineer, Electrical Sub Division, Karunagappally (South)] and sought to furnish report after conducting an enquiry. Consequent to this, a report vide No. DB/ESD - KPS/2018-19/234 dated 19.2.2018 was submitted to the ADM, Kollam. The review petitioner, who made the complaint before the District Collector, is now

refuting the existence of such an application or petition with a view to giving false or misleading account of the case.

The hearing of the case was conducted on 11-10-2018 in the Court Hall of CGRF, Kottarakkara. Sri. Aneesh Chandran appeared for the hearing. Smt. Sheeja Beegam K.B., Assistant Executive Engineer, Electrical Sub Division, Karunagappally South represented the respondent's side. On examining the review petition, the counter statement of the Respondent, perusing the documents attached and the arguments in the 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.

The review appellant had filed a review petition dated 11-09-2018 against the orders issued by this Authority in appeal petition No. P/036/2018 dated 20-08-2018. The review petition was time barred by limitation and the review petitioner had not submitted any application to condone the delay. As per regulation 27A of the KSERC (CGRF & Electricity Ombudsman) Regulations, 2005, it was held that the review petition is not maintainable, since it is time barred.

The respondent informed in its statement of facts that the grievance made by the review petitioner is pending in the proceedings before the District Collector and the review petitioner hasn't placed on record any new and important matter or evidence which couldn't be produced by him and no glaring mistake or apparent errors on the face of record, on the order dated 20-08-2018 of this Authority, in Appeal Petition No. P/036/2018, were pointed out by the appellant here.

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". It is a fact revealed that the review petitioner had submitted a complaint before the District Collector and a final decision is pending on this complaint. Since a petition filed by the appellant lies before the ADM 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 Review Petition filed by the review appellant, need no further action at this Authority.

During the hearing, the respondent has stated that they have enquired the present stage of the petition in Collectorate and they got information that the hearing of the subject case will be conducted soon. Hence the respondent is

directed to follow up the case and do the needful for the early hearing of the case.

No glaring mistake or apparent errors on the face of record, on the order dated 20-08-2018 of this Authority, in Appeal Petition No. P/036/2018, were pointed out by the appellant here. 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. In view of the above discussions, I hold that review petition is not maintainable as this Authority didn't find any reason to intervene the order already issued. Hence the review petition is dismissed and disposed of accordingly.

ELECTRICITY OMBUDSMAN

REVIEW PETITION No. RP/07/2018 IN APPEAL PETITION No.
P/036/2018/ /Dated: _____

Delivered to:

1. Sri. Aneesh Chandran, Aneesh Mandiram, Thekkum bhagom, Chavara South P.O., Kollam
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Karunagappally (South), Kollam.

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.