

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/032/2019
(Present: A.S. Dasappan)
Dated: 10th June 2019

Appellant : Sri. Shinoj S
Sumangi Nilayam
Punnamoodu,
Mavelikkara

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Ltd, Mavelikkara,
Alappuzha

ORDER

Background of the case:

Smt. Sumangi R. Panicker and Smt. Divya S. Panicker, Sumanginilayam are the registered consumers of Electrical Section, Mavelikkara having electric connection with Consumer No. 3878 under LT VI F tariff, consumer number 25064 under LT I A tariff and consumer number 26609 under LT VIIA tariff respectively. The appellant is the husband of Smt. Sumangi R. Panicker. He is aggrieved by the exorbitant electricity bill amounting to Rs. 5,217/- to Consumer No. 3878 and the bill amounting to Rs. 7,806/- to Consumer No. 25064 issued by the respondent and damages occurred to the electrical equipments in the connection No. 26609 (shop) following the shifting of electrical pole near the shop. The appellant approached the CGRF with a complaint against the impugned bills. The CGRF, Ernakulam has dismissed the petition on finding that the subject matter is pending before the Taluk Legal Services Committee, Mavelikkara and before the Electricity Ombudsman. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority.

Arguments of the appellant:

The appellant is a permanent resident in Sumangi Nilayam, Punnamoodu, Mavelikkara. There are three electric connections in the name of appellant's wife for a residential building, a shop and a shed, which were constructed 5 years ago. The appellant was getting an average bill for

the energy consumption and paying the electricity charge. But the energy bills received during the period of "flood" for the house and shed were exorbitant. The appellate filed petition in CGRF but only grievance regarding Consumer No. 3878 was redressed. The grievance of house connection (Consumer No. 25064) was not yet redressed.

Besides the above, an application for shifting an electric post from the appellant's property was given to the Assistant Engineer on 16-05-2018 and remitted Rs. 10,000/- for the shifting. The electric post was shifted on 05-06-2018, but a lot of damages occurred to the electrical equipments in the shop (Consumer No. 26609) due to the negligence and irresponsibility of the contract staff, who did the shifting work. No action was taken on the above complaint so far and it is requested for suitable action and compensate the losses.

Arguments of the respondent:

Smt. Sumangi R. Panicker and Smt. Divya R. Panicker are the consumers of Electrical Section, Mavelikkara having electric connections with Consumer No. 3878 under LT VI F tariff and 25064 under LT I A tariff respectively.

On 26-07-2018, a bill for Rs. 3,779/- for a consumption of 660 units to Consumer No. 3878 and a bill for Rs. 5,123/- for a consumption of 1412 units to Consumer No. 25064 were given to the appellant. The appellant had dispute in the energy consumption and hence parallel meters were provided to both meters on 10-10-2018. Later it was found that the meter in the premises of Consumer No. 3878 was defective and the meter for the premises of Consumer No. 25064 was good. The above fact was informed to the appellant by the Assistant Engineer on 23-10-2018. The appellant was dissatisfied on the action of KSEBL and filed petition before the Taluk Legal Service Committee vide No. PLP 2084/18 stating that both the meters are faulty. As directed by the Committee a parallel meter was again connected in the premises of Consumer No. 25064 on 26-10-2018 and found again that the disputed meter was good. This was also informed to the appellant.

Again the appellant filed petitions in Taluk Legal Service Committee vide No. PLP 2105/2018 & 2106/18 with the same allegations and at the same time filed petition before the CGRF.

The energy meter in the premises of Consumer No. 25064 was again tested in the laboratory as directed by the CGRF and found good. The base of the allegation is the reluctances of the appellant in remitting the usual energy charge.

It is true that the electric pole situated near the house of the appellant was shifted as per his request. The voltage fluctuation explained by the appellant was rectified when such a complaint was received in the office.

The petition before CGRF and appeal petition before the Ombudsman is filed when the same subject is pending with the Taluk Legal Service Committee, Mavelikkara. It is requested to dismiss the petition on the grounds stated above.

Analysis and findings:

The hearing of the case was conducted on 30-05-2019 in the Office of the State Electricity Ombudsman, Edappally. Sri Shinoj S represented the appellant and Smt. Beena Kumari K.S., Assistant Executive Engineer, Electrical Sub Division, Mavelikkara appeared for the respondent's side. On examining the petition and the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following conclusions leading to the decision.

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 appellant had submitted a complaint dated 29-10-2018 directly to this office without approaching the CGRF. In the letter dated 16-11-2018, this Authority directed the complainant to approach the CGRF and disposed the complaint accordingly.

The subject relates to the disputes in two issues which pertain regarding the excess bill issued to consumer number 25064 and regarding damages occurred to the electrical equipments in the connection no. 26609 following the shifting of electrical pole near the shop. The reliefs requested by the appellant is to refund the excess amount collected from him in electricity bill issued to consumer number 25064 and to allow compensation for the loss due to the damages occurred to the electrical equipments in the premises of consumer number 26609. The respondent has stated that the appellant filed petitions in Taluk Legal Service Committee vide No. PLP 2105/2018 & 2106/2018 with the same allegations and these petitions are pending there.

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 the matter lies before the Taluk Legal Service Committee vide No. PLP 2105/2018 & 2106/2018 with the same allegations which restricts the maintainability of the petition filed before this Authority. The

respondent is free to take further action on the basis of the orders of the Taluk Legal Service Committee. Hence the Appeal Petition filed by the appellant, need no further action at this Authority and hence stands rejected.

This Authority is not empowered with the jurisdiction of taking disciplinary action against the licensee's officials and is not competent to award compensation as per rules and hence these are not considered and not admitted.

Decision

For the reasons detailed above, the appeal Petition No. P/032/2019, filed by the appellant stands dismissed as it is found not maintainable before this Authority. The order dated 30-03-2019 in OP No. 69/2018 of CGRF, Ernakulam is upheld. Having concluded and decided as above, it is ordered accordingly. No order on costs.

ELECTRICITY OMBUDSMAN

P/032/2019/ _____ /Dated: _____

Delivered to:

1. Sri. Shinoj S, Sumangi Nilayam, Punnamoodu, Mavelikkara
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Mavelikkara, Alappuzha.

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.