

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 90/09

Appellant : Advocate T.R.Santhosh s/o Raghavan Nair
Smt Sukumari Amma W/o Raghavan Nair
Vellappallil House PALA 686575

Respondent: Kerala State Electricity Board
Represented by
The Assistant Executive Engineer
Electrical Sub Division PALA

ORDER

Adv. T.R.Santhosh S/o Raghavan Nair & Smt Sukumari Amma W/o Raghavan Nair ,
Vellappallil House Pala submitted a representation on 8.9.2009 seeking the following
relief:

*The order no: CGRF-CR/Comp 11/2009-10/970/dated 11.8.2009 of CGRF may be
set aside and Revenue Recovery proceedings against the Appellants may be
cancelled*

Counter statement of the Respondent was obtained and hearing conducted on 01.12.2009.
Late Sri Raghavan Nair was one partner of a toddy shop and had the electric connection
to the shop in his name to a leased building. He passed away in October 1986. The
connection was later disconnected and dismantled in July 2007. The Respondent initiated
action for recovery of outstanding arrears from the legal heirs of the consumer. The
District Collector informed KSEB that 4 persons including the Appellants are the legal
heirs of Sri Raghavan Nair . The Respondent requested the revenue authorities to take
revenue recovery action against them. Accordingly the Collector has taken steps to
recover the outstanding dues from the Appellants. They had been agitating against this
and the CGRF refused to intervene in the matter.

The representation with the pleas noted above is submitted to the under signed in the
above back ground.

As per the records produced the outstanding dues are around Rs 24000/- from Late Sri
Raghavan Nair. The appellants have not questioned the correctness of the amounts
claimed.

The most important contention raised by the Appellants is that the dues can be recovered
from the assets of the late consumer only. They also contend that the factum of legal

survivorship and the status of legal heirs do not cast any legal obligation on the complainants to pay the dues of late Sri Raghavan Nair. Only if the parties had inherited assets of the consumer they could be proceeded with. They have also produced a certificate dated 20.4.2009 from the Village Officer Meenachil Village showing that the late Sri Raghavan Nair has no assets *at present in the village*.

The essential issues to be decided in this case are whether the Appellants are holding any assets inherited from the late consumer, whether they had inherited any assets from him earlier, either before or after his death, if so whether they are liable for the dues etc.

I do not think these issues are to be decided by the Electricity Ombudsman which is an authority formed under Electricity Act 2003 to resolve disputes between the consumers and licensees and to provide relief to the consumers to the extent possible. The civil court may be the appropriate authority to decide on these issues.

Under the circumstances explained above and after carefully examining all the evidences, arguments and points furnished by the Appellant and Respondent on the matter, the representation is disposed off with the following orders:

1. *The representation submitted by the Appellants is dismissed without any remarks on the issues involved.*
2. *No order on costs.*

Dated this the 14th day of December 2009 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 90/09/ 437 / dated 15.12.2009

- Forwarded to:
1. Advocate T.R.Santhosh s/o Raghavan Nair
Vellappallil House PALA 686575
 2. Smt Sukumari Amma W/o Raghavan Nair
Vellappallil House PALA 686575
 3. The Assistant Executive Engineer
Electrical Sub Division PALA

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,
VaidyuthiBhavanam

