

THE STATE ELECTRICITY OMBUDSMAN
Charangattu Bhavan, Building No.34/895, Mamangalam-Anchumana Road,
Edappally, Kochi-682 024
www.keralaeo.org Ph: 0484 2346488, Mob: 91 9539913269
Email: ombudsman.electricity@gmail.com

APPEAL PETITION No. P/094/2019
(Present: A.S. Dasappan)
Dated: 28th January 2020

Appellant : Sri. Shyju C
Challayil House,
Ayanikkadu P.O., Iringal,
Kozhikode

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

ORDER

Background of the case:

The appellant, Sri. Shyju C is the LT consumer with consumer numbers 22403, 22405 and 725 under commercial tariff under Electrical Section, Melady. The appellant is running two shops by name, Shine Designer, Tiles Agencies for the last 15 years in the shop room Nos. 3/206 & 3/207 possessed by Sri Ashokan Pallikkayyil and in 3/202, 3/203 possessed by Sri Chandu P.K., Pallikkayyil. The above buildings have already been acquired by the Government for widening national high way. On receiving the notice from the Koyilandy Special Tahsildar, Land Acquisition (National Highway), Koyilandy, the Assistant Engineer, Electrical Section Melady has given notice to the appellant/building owners that the electric connections concerned will be disconnected after 15 days from the date of notice i.e., 28/09/2019. Aggrieved against this, the appellant approached the CGRF, Kozhikode and the CGRF in its order dated 16-11-2019 in OP No. 89/2019-20 held that KSEB Ltd is bound to obey the direction issued by the Special Tahsildar, Land Acquisition (National Highway) to disconnect the supply of the appellant's premises as per the regulation 138(f) of the Supply Code 2014 and also dismissed the petition submitted by the appellant. Aggrieved by the said order of CGRF, the appellant has filed the Appeal Petition, before this Authority on 29-11-2019.

Arguments of the appellant:

The appellant is running two shops by name, Shine Designer, Tiles Agencies for the last 15 years in the shop room Nos. 3/206 & 3/207 possessed by Sri Ashokan Pallikkayyil and in 3/202, 3/203 possessed by Sri Chandu P.K., Pallikkayyil. National Highway Authority have acquired the above building and land 10 months ago for the development of highway. Though

hundreds of shops and buildings are in the area, the National Highway Authority have acquired by issuing compensation to only 13 persons. The compensation to the others is under process. Though National Highway Authority acquired the land and buildings, the appellant is running the shop at present also.

In the last September, KSEB Melady Section has given notice for the disconnection of supply to the shops with Consumer No. 22403, 22405 and 725. The appellant has given application to the Melady Section Office and filed petition before Consumer Grievance Redressal Forum, Kozhikode to retain the supply, but the Consumer Grievance Redressal Forum dismissed the petition.

The appellant is looking after his family by doing the business in the shop and hence immediate disconnection will adversely affect it. The extent of compensation was not declared so far clearly by the Authority.

The request of the appellant is to avoid disconnection till the demolishing of all other buildings in the area.

Arguments of the respondent:

1. Koyilandy Special Tahsildar, Land Acquisition, Koyilandy by letter No. B-43/2017 dtd. 24/09/2019 has given a notice to the Assistant Engineer Electrical Section, Melady to take necessary steps for dismantling the electricity connection to various buildings in the possession of 10 persons in Iringal Village stating that the above buildings have already been acquired by the Government for widening national high way. Building Nos. 206/3, 207/03, 202/3 & 203/03 mentioned in the petition submitted by Sri. Shyju are also included in the notice given by the Special Tahsildar. It is stated in the notice that the buildings bearing Nos. from 206/3 to 210/3 belong to Sri. Ashokan, Pallikkayyil, Iringal and the buildings bearing No. 202/3 and 204/3 belong to Sri. Kannan, Pallikkayyil, Iringal.

2. After receiving the notice from the Koyilandy Special Tahsildar, Land Acquisition (National Highway), Koyilandy, the Assistant Engineer, Electrical Section Melady has given notice to all the consumers/building owners mentioned in the aforementioned notice stating that the electric connections concerned will be disconnected after 15 days from the date of notice i.e., 28/09/2019.

3. As per Regulation 138 (f) of Kerala Electricity Supply Code 2014, the licensee is bound to disconnect / dismantle electricity connection on the direction of a statutory authority.

Analysis and findings:

Hearing of the case was conducted on 21-01-2020 in my chamber at Edappally. Sri. Shyju C and Sri. Babu M.K. represented the appellant for hearing. Sri Gopalan C., Assistant Executive Engineer, Electrical Sub Division, Koyilandy represented the respondent. On examining the petition,

the counter statement of the respondent, the documents attached and the arguments made during 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 appellant's request in the appeal petition is to exempt from the disconnection of supply till other buildings are demolished. The appellant has filed a case in Hon. High Court of Kerala vide WP (C) No.56642/2019 for compensation from the NHAI. The respondent is not a party in this case. As per regulation 138 (1) (f) of the Supply Code, 2014, the licensee shall disconnect the supply of electricity to any consumer, if the licensee is mandated to do so by an order of a legal authority, competent to issue such a mandate. As per the respondent, they have to act in obedience to the notice issued by the Koyilandy Special Tahsildar, Land Acquisition (National Highway), Koyilandy and hence they issued notice for disconnection under regulation 139 (4) of the Kerala Electricity Supply Code, 2014.

The request of the appellant shall not be admitted on the basis of the above regulations. The remedy available for the appellant is to approach the Special Tahsildar, Land Acquisition (National Highway), Koyilandy.

Decision:

Considering the above facts and regulations, the appeal petition is dismissed.

ELECTRICITY OMBUDSMAN

P/094/2019/_____ /Dated:_____

Delivered to:

1. Sri. Shyju C,, Challayil House, Ayanikkadu P.O., Iringal, Kozhikode
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Ltd, Koyilandy, Kozhikode

Copy to:

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode