

**THE STATE ELECTRICITY OMBUDSMAN**

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**Appeal Petition No. P/039/2023  
(Present A. Chandrakumaran Nair)  
Dated: October-09-2023**

Appellant : Sri. Cheriyan K.C. Thomas,  
Treasurer, Alzheimer's & Related  
Disorders Society of India, Guruvayoor  
Road, Kunnankulam, Thrissur (Dist.).

Respondent : The Assistant Executive Engineer,  
Electrical Sub Division,  
Kerala State Electricity Board Ltd.,  
Viyur, Thrissur (Dist.).

**ORDER**

**Background of the case**

This appeal petition was filed by Mr. Cheriyan T.C. Thomas, Treasurer, Alzheimer's & Related Disorders Society of India, in connection with the Tariff change of connection in the consumer no. 1156813010211. This connection is in the name Smt. Shilaja which was connected on 07/08/2002. This connection was a 3-phase connection with Tariff LT 1A, to Smt. Shilaja, Thandathil House, Ramavarmapuram with a registered load of 7.236 kw. The Tariff was changed to LT VIIA commercial with effect from 26/07/2017 as per the request of the consumer. The consumer submitted application to the licensee stating that the Alzheimer's & Related Disorder Society of India is functioning from this building and connected load was revised to 5.036 kw and requested to change the Tariff to LT VI D. The tariff changed to LT VI D ON 14/08/2019. The connection is still in the name of Smt. Shilaja. The tariff VI D is applicable only to old age homes where no charges are levied for boarding and lodging of inmates. During the inspection of APTS, Thrissur unit on 16/01/2023, it was observed the inmates were admitted on charging an advance fee and monthly fee. The copy of the receipt issued to an inmate was also produced along with the statement of fact. Then the tariff applicable should be LT VI B not LT VID. A short assessment for Rs. 2,03,619/- was prepared due to the wrong tariff application. The petitioner is still claiming that they should come under LT VID. The petition was filed to CGRF and

CGRF issued their order dated 23/06/2023. This petition was filed as appeal to the order of CGRF.

**Maintainability of this petition under KSERC (CGRF & Ombudsman) 2014 regulation:**

The Section 2(e) explains about complainant who can file the petitions.

2(e) “Complainant means-

- (i) Any consumer of electricity supplied by the licensee including applicants for new connections;
- (ii) A voluntary electricity consumer association/forum or other body corporate or group of electricity consumers;
- (iii) The Central Government or State Government- who or which makes the complaint;
- (iv) In case of death of a consumer, his legal heirs or representatives”.

The petitioner is not coming under any of this category and hence the petitioner can not be consider as the complainant.

The Section 2(g) define about the consumer.

2(g) “Consumer means any person who is supplied with electricity for his own use by a licensee and includes any person whose premises are connected for the purpose of receiving electricity with the works of a licensee or a person whose electricity supply is disconnected by a licensee or the person who has applied for connection for receiving electricity from a licensee, as the case may be;”

This petitioner is neither a consumer nor a complainant as per the regulation.

The Electricity Act Section 42(5), (6), (7) describes of the consumer Grievance Redressal Mechanism.

42(5) “Every distribution licensee shall, within six months from the appointed date or date of grant of license, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission”.

42(6) “Any consumer, who is aggrieved by non-redressal of his grievance under sub- section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission”.

42(7) “The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission”.

The Act and regulations are very clearly spelt about the persons who can approach this Grievance Redressal Mechanism.

As the petitioner is not a complainant as per the regulation, this petition is not maintainable and not acceptable to the Ombudsman.

## **Order**

On verifying the documents submitted and hearing both the petitioner and respondent and also from the analysis as mentioned above, the following decision are hereby taken.

1. The petition is dismissed as this is not maintainable as per the regulation.
2. If required the actual consumer shall file the petition to CGRF and then if required to Ombudsman as appeal to exercise this provision of Grievance Redressal Mechanism.
3. No order on cost.

## **ELECTRICITY OMBUDSMAN**

No. P/039/2023/\_\_\_\_\_ dated: 09/10/2023.

Delivered to:

1. Sri. Cheriyan K.C. Thomas, Treasurer, Alzheimer's & Related Disorders Society of India, Guruvayoor Road, Kunnampulam, Thrissur (Dist.).
2. The Assistant Executive Engineer, Electrical Sub Division, Kerala State Electricity Board Ltd., Viyyur, Thrissur (Dist.).

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, 220 kV  
Substation Compound, HMT Colony P.O., Kalamassery, Pin- 683503