

THE STATE ELECTRICITY OMBUDSMAN
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APPEAL PETITION No. P/091/2015

(Present: Sri. V.V. Sathyarajan)

Dated: 04th June 2015

Appellant : Sri Muralidharan Pillai
Nilavu,
Aarampunna,
Elampal P.O.,
Punalur.

Respondent : The Assistant Executive Engineer,
Electrical Sub Division,
KSE Board Limited,
Punalur, Kollam.

ORDER

The appellant applied for change of ownership in respect of a building which he purchased by the sale deed dated: 16-02-2011 from Sri Rajan Kunju and Sri Pradeep Kumar. But, due to the objections filed by Sri Pradeep Kumar, the service connection was not transferred in the appellant's name. The appellant approached the CGRF seeking for transfer of ownership of the service connection in his name since he submitted all the requisite documents for change of ownership. According to the respondent, the change of ownership is not registered due to the dispute over the title and ownership of the property. After hearing both parties the Forum found that there was no fault or purposeful delay on the part of the respondent in transferring service connection, since there were series of litigation regarding the ownership of the building. At the same time the Forum was of the view that the right of the appellant herein for electric supply could not be delayed in the event of producing satisfactory proof of his ownership over the building. The CGRF, therefore, disposed of the petition directing the appellant herein to pursue his application for service connection on finalisation of the pending dispute regarding the ownership of the property. Aggrieved against the said order this appeal petition was filed.

Hearing of the case was conducted on 03-06-2015 in my chamber at Edappally, Kochi. The appellant himself appeared for the hearing. Sri S.G. Suresh Kumar, Assistant Executive Engineer, Electrical Sub Division, Punalur represented the respondent. The appellant argued before this Authority that the CGRF had been

wilfully misrepresented by reporting that the appellant's ownership over the building had been quashed on the basis of court orders. According to the appellant, no such report has been furnished by the Municipality. He has pointed out that the building bearing No. 10/526 A, 10/526 B and 10/526 C is a separate building and he has got service connection to that property on 23-04-2015. He has also pointed out that he has got Ownership Certificate for building No. 10/526 on 02-05-2015. It is seen from the certificate dated: 05-04-2014 issued by the Punalur Municipality that the building No. 10/526 A, 10/526 B and 10/526 C is in the name of Sri Muralidharan Pillai, the appellant herein. The respondent, at the time of hearing has agreed that the ownership can be changed in the name of the appellant on production of the Ownership Certificate. Moreover, the Hon'ble Supreme Court in Chandu Khamaru v/s Nayan Malik and others reported in (2011) 12 SCC 314 has held that ignoring the dispute / objection raised by the others, the distribution company is under legal obligation to supply electricity and cannot deny supply on ground of dispute.

In view of the above discussions it is held that the appellant is directed to file an application along with required documents as specified in the Regulation 91 (2) of Supply Code, 2014. The respondent is also directed to transfer the ownership of the service connection to the appellant's name within a period of 15 days on receipt of the order, provided the appellant submits the required documents. The order of the CGRF is modified to that extent. The appeal petition is allowed. No order on costs.

ELECTRICITY OMBUDSMAN

No.P/091/2015/ /Dated: _____

Forwarded to:

1. Sri Muralidharan Pillai, Nilavu, Aarampunna, Elampal P.O., Punalur, Kollam.
2. The Assistant Executive Engineer, Electrical Sub Division, KSE Board Limited, Punalur, 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.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthibhavanam, KSE Board Ltd, Kottarakkara - 691 506.