

THE STATE ELECTRICITY OMBUDSMAN  
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REVIEW PETITION No. P/026/2016  
(Present: Sri. V.V. Sathyarajan)  
Dated: 26<sup>th</sup> August 2016

Review Petitioner : The Assistant Executive Engineer,  
Electrical Sub division,  
KSE Board Limited,  
Punalur.

Review Respondent : Sri Johnson George,  
Nazarath House,  
Thiruvazhimukku,  
Punalur.

### **ORDER**

The review petitioner, the Assistant Executive Engineer, KSE Board Ltd, Electrical Sub Division, Punalur has filed this review petition against the orders issued by this Authority in appeal petition No. P/026/2016 dated 20-07-2016. The grievance of the appellant in the above appeal petition is that the licensee has erected an electric post in his property without his consent and hence he approached the licensee for shifting the same. But the licensee directed the appellant to remit an amount of Rs. 6,766.00 towards the labour charges for shifting the electric post. Instead of remitting the amount the appellant approached CGRF, (Kottarakkara) with a complaint and the Forum disposed of the petition vide order in OP No. 1657/2015 dated 11-03-2016. Aggrieved against the order of CGRF, the review respondent has submitted an appeal petition before this Authority which is serially numbered as P/026/2016. The appeal petition was disposed of having allowed the plea of the appellant to the extent as it was ordered. Now the review petitioner has submitted that a factual error occurred in the order No. P/026/2016 dated 20-07-2016 issued by this Authority and therefore requested to review the order and to dismiss the said appeal petition.

Hearing of the case was conducted on 16-08-2016 in my chamber at Edappally. Sri Anish K, Assistant Executive Engineer, Electrical Sub Division, KSEB, Punalur appeared for the review petitioner and argued the case. The main plea of the review petitioner is regarding the maintainability of the subject matter of the case by CGRF and Electricity Ombudsman. According to the review petitioner, the CGRF and Electricity Ombudsman have no jurisdiction on the issues related to the drawing of electric line and its shifting and the Additional District Magistrate is the authority to take action and to pass orders on such issues.

Another point of argument raised by the review petitioner is that while arranging the shifting work there will be some deviation in the alignment which will attract further litigation from the neighbours. Hence the review petitioner argued that without giving an opportunity of being heard with the neighbouring property owner, one Sreekumar, who was not included as a party in the trial, the order issued by this Authority cannot be justified. Further, the review petitioner stated that the reason for the reduction in statutory clearance between the line and review respondent's building was only due to the result of additional extension to the existing building.

This Authority has analyzed all the facts and circumstances of the case before taking the decision and held to shift the electric post erected without the consent of the review respondent. Also it is directed the review petitioner to shift the line drawn without maintaining statutory clearances with due consideration of safety aspects. The review petitioner had not raised any of these points or aspects which are not brought to the notice of this Authority before arriving at the decisions sought to be reviewed. The review jurisdiction is limited to rectify a mistake or error which is apparent on the face of records and it cannot be used appellate jurisdiction. The arguments now raised cannot be considered for a review as it was considered, decided and order issued accordingly. Hence there is no cause of sufficient reason established by the review petitioner for a review of the order already issued.

In view of the above discussions I hold that the review petition is not maintainable and hence rejected.

**ELECTRICITY OMBUDSMAN**

P/026/2016/ Dated: \_\_\_\_\_

Delivered to:

The Assistant Executive Engineer, Electrical Sub division, KSE Board Limited, Punalur

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.