

**E.P. Jose Vs. the Assistant Engineer, Kseb, Meppadi**

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**Court :** Kerala State Consumer Disputes Redressal Commission SCDRC  
Thiruvananthapuram

**Decided On :** Aug-13-2012

**Judge :** The Honourable Mr. M.K. Abdulla Sona Acting President & the Honourable Smt. a. Radha Member

**Appeal No. :** First Appeal No. A/12/468 (Arisen out of Order Dated 29/02/2012 in Case No. CC/11/161 of District Wayanad)

**Appellant :** E.P. Jose

**Respondent :** The Assistant Engineer, Kseb, Meppadi

**Judgement :**

**SMT. A. RADHA : MEMBER**

Dissatisfied by the order passed by the CDRF, Wayanad, on dismissal of the complaint, the complainant/appellant came up in this appeal.

2. The complainants case is that the complainant is the beneficiary of the opposite party having a consumer No. 9738, the tariff considered was under LT I A. The premises was purchased by the complainant from one Mr. Mathew and while so on 29.09.08, the opposite parties issued demand notice to pay Rs.9,091/- along with change of tariff from LT I A to LT VII A which is an industrial connection. The issuance of the bill was challenged and also the unauthorized change of tariff was also challenged by the complainant before the Forum below in OP No. 137/08

which was allowed and the bill was set aside. The disputed bill was issued in the name of one Mr. Mathew who was the registered owner of consumer No.9738, then again bills issued on 26.04.2011 for Rs. 11,600/- and Rs.18,873/- on 4.7.2011 respectively. The complaint is filed before the Forum below to cancel both the bills issued by the opposite parties which were illegally collected and prayed for compensation and cost of Rs.25,000/-.

3. The opposite parties filed version contending that the complainant is not a consumer under Electricity Act. The complainant had never approached the opposite party to change the ownership and the complainant never made any attempt to change the ownership as per law. It is also stated in the version that the complaint No. 137/08 filed before the Forum below was challenged for the change of tariff. The complainant had not remitted the subsequent bills issued to him after filing CC No.137/08 before the Forum Below. The request to return the bills already paid is not entertainable as the bill was issued for the consumption of electricity in consumer No.9738.

4. The complainant gave evidence as PW1 and marked Exts.A1 to A6 and also examined the opposite parties as OPW1.

5. On appreciation of evidence the Forum below arrived at a conclusion that the complainant had not changed the name as provided under Electricity Act. It is submitted that he purchased a building from one Mr. Mathew. He had not changed the name so the complainant is not a consumer, further he was using the electricity for Industrial purpose also. In order to change the tariff he had to remit additional CD and no test report submitted before the opposite parties. So the Forum below found that the complainant is not a consumer and the complainant is not entitled to get the protection under the CP Act and dismissed the complaint.

6. We heard the counsel for the appellant in detail. The main question that is to be decided whether he was a consumer or not and on the available documents, it is very clear that the complainant had not applied properly for the change of name to the complainant before the opposite parties. It is true he is the beneficiary of the Consumer No.9738. But he has no right to request for change in the tariff. The change of tariff can be done only by remitting the required fees as CD and other

formalities to be completed for changing the name of the consumer. It was not done by the complainant so far. The change of tariff from LT I A to LT VII A was made by the respondent as it is an industrial connection.

7. As a matter of fact, the complainant, is a beneficiary of the opposite party and if at all any change is to be made in the tariff, the formalities have to be completed which is not being done by the complainant. So the complainant has no locus standi to file the complaint before the Forum below and the Forum below rightly dismissed the complaint.

In the result, the appeal is dismissed no order as to cost.

Office is directed to send a copy of this order to the Lower Forum with the LCR.

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