

John Chandy Vs. Kerala State Electricity Board, R/by Its Secretary, Vydhuthi Bhavan, Pattom, Thiruvananthapuram and Another

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC Thiruvananthapuram

Decided On : Jan-31-2014

Judge : P.Q. Barkath Ali, President & the Honourable Mr. V.V. Jose, Member

Appeal No. : Revision Petition No. 355 of 2013 (Arisen out of Order Dated null in Case No. CC/13/109 of District Kottayam)

Appellant : John Chandy

Respondent : Kerala State Electricity Board, R/by Its Secretary, Vydhuthi Bhavan, Pattom, Thiruvananthapuram and Another

Judgement :

P.Q. Barkathali: President

This is a Revision Petition filed by the complainant in CC.109/13 of CDRF, Kottayam challenging the order of the Forum dated, July 26, 2013 in I.A.70/13 dismissing the petition.

2. Complainant filed the complaint before the Forum against the Electricity Board cancelling the penal bill for Rs.6,30,323/- issued to the petitioner. The said bill was issued by the Board on the allegation that Anti Power Theft Squad of KSEB detected theft in the electrical connection on inspection. I.A.70/13 was filed by the

complainant for reconnection of the electric connection.

3. As the Forum found that complainant has approached the Honble High Court challenging the said bill where the High Court has directed the respondents for fresh inspection, the petition is not maintainable. Complainant has challenged the said order in this revision.

4. Admittedly complainant has filed Writ Petition No.1690/13 before the Honble High Court and by its order dated:17.01.2013 it was found thus:-

The officials of the KSEB or Anti Power Theft Squad shall to conduct fresh inspection of the premises within a period of 3 days. Electric supply shall be restored to the petitioner immediately after inspection is done by the anti power theft squad or other officials of KSEB. This is subject to condition that no irregularity or theft is detected at the premises of the petitioner on inspection conducted.

5. The opposite party conducted inspection on 19.1.2013 and as they detected theft of electricity an FIR was lodged with Kottayam police station. That being so we are of the view that Forum is perfectly justified in dismissing the petition. Complaint is also not maintainable. But the revision petitioner/complainant is permitted to file objection before the authority who issued the penal bill dated, November 21, 2013 within one month of the receipt of the copy of this order. The authority shall take a decision on this matter within one month from the date of receipt of the objection. Against the order of the authority if not favourable. Revision petitioner is entitled to file appeal before the appellate authority as provided under Electricity Act, 2003.

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