



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 19TH DAY OF FEBRUARY 2025 / 30TH MAGHA, 1946

WP(C) NO. 27574 OF 2024

PETITIONER:

**T.P. SHAJI,
AGED 52 YEARS
S/O. PURUSHOTHAMAN, RESIDING AT THAIPARAMBIL HOUSE,
PATHIRAPPALLY (P.O.), ALAPUZZHA DISTRICT, PIN - 688521**

**BY ADVS.
B.BIPIN
ARUN BOSE
V.M.JACOB**

RESPONDENTS:

- 1 KERALA STATE ELECTRICITY BOARD LTD.,
VYTHUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY, PIN - 695004**
- 2 THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD., ELECTRICAL SUB
DIVISION, S.L PURAM, ALAPUZZHA DISTRICT, PIN - 688523**

OTHER PRESENT:

SMT. THUSHARA JAMES, KSEB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19.02.2025, ALONG WITH WP(C).28394/2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 19TH DAY OF FEBRUARY 2025 / 30TH MAGHA, 1946

WP(C) NO. 28394 OF 2024

PETITIONER:

**KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM, PIN -
695004**

**BY ADVS.
THUSHARA JAMES
M.S.AMAL DHARSAN
NOEL JACOB**

RESPONDENTS:

- 1 CONSUMER GRIEVANCE REDRESSAL FORUM,
CENTRAL REGION, 220KV SUBSTATION COMPOUND, HMT COLONY
P.O, KALAMASSERY, PIN - 683503**
- 2 T.P SHAJI,
AGED 52 YEARS
S/O PURUSHOTHAMAN, RESIDING AT THAIPARAMBIL HOUSE,
PATHIRAPPALLY, ALUPUZZHA DISTRICT, PIN - 688521**

**BY ADVS.
B.BIPIN
V.M.JACOB
ARUN BOSE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19.02.2025, ALONG WITH WP(C).27574/2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



JUDGMENT

These Writ Petitions are intrinsically connected and can be conveniently disposed of by a common judgment. While WP(C) No.27574/2024 has been filed to implement order No.CGRF-CR/OP No.120/2023-24 of the Consumer Grievances Redressal Forum, Central Region (hereinafter referred to as the CGRF), WP(C) No.28394/2024 has been filed by the Kerala State Electricity Board (hereinafter referred to as the KSEB) seeking to set aside the order of the CGRF. The Exhibits referred to in this judgment are as they are marked in WP(C) No.28394/2024 and the parties are also referred to as they are arrayed in WP(C)No.28394/2024 unless specifically indicated otherwise.

2. The brief facts are that the 2nd respondent approached the CGRF, Central Region and raised a complaint that a 11 KV line known as the Pathirapilly feeder line passing through Ward No.8 of Mararikkulam South Grama Panchayat is in a dangerous situation and causes inconvenience to a large number of families and so it should be shifted and the load must be transferred to another line. The CGRF, through the order dated 08/05/2024 allowed the petition filed by the 2nd respondent and directed as follows:



2025:KER:14851

"1. That it is ordered the respondent shall shift the load of 11 KV line of Pathirapally Feeder of Kalavoor Electrical section to 11 KV Excel Glass Feeder and to make complaint portion of line as dead, within two weeks from the receipt of this order.

2. This Forum further orders that after completing the alternative arrangement ordered, that portion of 11 KV line in respect of the complaint, shall be dismantled by the Licensee, under Regulation 96(3) of the Kerala Electricity Supply Code, 2014."

2. The KSEB has challenged the order of the CGRF on various grounds including on the ground that the 2nd respondent has no *locus standi* to approach the CGRF and file a complaint as in terms of the provisions contained in the Kerala State Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulations, 2023, (hereinafter referred to as the 2023 Regulation). It is also alleged that the 2nd respondent is acting at the behest of a private property owner through whose property, the line in question is presently passing and who had requested for shifting of the line. It is stated that the KSEB had agreed to shift the line on the cost of the private property owner, on the said person remitting a sum of Rs.7,29,936/-. The private property owner has thus put up the 2nd respondent to file a complaint before the CGRF to shift the line at the cost of the KSEB itself. The KSEB has also taken several contentions regarding the technical feasibility of the directives issued by the CGRF.



3. The learned counsel appearing for the petitioner would submit that the 2nd respondent has no *locus standi* to file a complaint before the CGRF. He placed reliance on the definition of the '*Complainant*' and '*Complaint*' in the 2023 Regulations in support of the plea that the 2nd respondent has no *locus standi* to approach the CGRF. He also reiterated that the petitioner is a benami of the private property owner who wanted the line shifted to prevent the line from passing over his property. It is submitted that no other person has raised a complaint regarding the line. It is submitted that the line in question has been in place for the past 40 years and till today, there has been no untoward incident warranting its shifting or dismantling on the ground that it is in a dangerous situation. It is submitted that in the aforesaid circumstances, the order of the CGRF is liable to be set aside.

4. The learned counsel appearing for the 2nd respondent would vehemently oppose the contentions taken on behalf of the petitioner. Firstly, it is submitted that going by the definition of '*Complainant*' in the 2023 Regulations, any consumer of Electricity supplied by the Licensee as defined under Clause (15) of Section 2 of the Electricity Act, 2003 including applicants for new connections fall within the definition of '*complainant*' for the purposes of the



2023 Regulations. The learned counsel then referred to the definition of complaint in Regulation 2(7) of the 2023 Regulations to contend that Electricity services which are unsafe or hazardous to public life in contravention of the provisions of any law for the time being in force can also be a subject matter of complaint before the CGRF. It is submitted that the order of the CGRF will clearly indicate that the CGRF had considered the complaint raised before him in a proper manner and after conducting site inspection also, it had come to the conclusion that the line in question has to be dismantled or shifted. It is submitted that a reading of the order of the CGRF would indicate that the line in question is clearly dangerous and ought to be dismantled or shifted. It is submitted that the CGRF is headed by a technically competent person and the findings of such a technical body cannot be questioned in a Writ Petition under Article 226 of the Constitution of India. It is submitted that the allegations of *mala fides* are untenable. It is submitted that the petitioner is a member of ward 8 of the Mararikkulam South Grama Panchayat and therefore the petitioner has every right to approach the CGRF with the complaint in question.

5. It is submitted that the Writ Petition is incompetent, as the cause title to the Writ Petition does not show who was



representing the Board in the proceedings before the Court. It is submitted that considering the larger public interest, this Court should not interfere with the order of the CGRF.

6. Having heard the learned counsel appearing for the petitioner and the learned counsel for the 2nd respondent, I am of the view that the order of the CGRF is liable to be set aside on the ground that the 2nd respondent has no *locus standi* to approach the CGRF. The word ‘complainant’ is defined in Regulation 2(6) of the 2023 Regulations as follows:

“Complainant means any person who submits the complaint or grievance or representation as defined in these regulations against the distribution licensee and include the following:--

- (i) any consumer of electricity supplied by the licensee as defined under clause (15) of section 2 of the Act, including applicants for new connections; or*
- (ii) a voluntary electricity consumer association/ forum or other body corporate or group of electricity consumers; or*
- (iii) the Central Government or State Government - who or which makes the complaint; or*
- (iv) in the case of death of a consumer, his legal heirs or representatives;”*

It is clear from a reading of a definition of complainant that though any consumer of Electricity falls within the definition of ‘complainant’, that definition of complainant must be linked to the matters in respect of which a complaint can be raised in terms of Sub-regulation (7) of Regulation 2 of the 2023 Regulation. A



combined reading of Sub-regulations 6 & 7 of Regulation 2 of the 2023 Regulations do not lead to the conclusion that any person who is a consumer of electricity can raise a complaint regarding services which are unsafe or hazardous to public life or in contravention of the provisions of any law for the time being in force. Therefore, the 2nd respondent could not have approached the CGRF seeking direction to dismantle or shift the electric line in question. That apart, the specific case of the KSEB is that the line in question has been in place for the past 40 years and no untoward incident has been reported thus far.

7. I do not consider the allegations of *mala fides* raised by the Board against the 2nd respondent to be a ground to allow the Writ Petition as the allegations are feeble and in the absence of any other materials to suggest that the 2nd respondent had approached the CGRF as a Benami of the private property owner over whose property the line is passing, I am unable to hold that the proceedings at the instance of the 2nd respondent are to be quashed on the ground that the 2nd respondent was acting *mala fide* and at the behest of someone else. However, as I have already found that the 2nd respondent has no *locus standi* to approach the CGRF, I have no option, but to set aside the order issued by the CGRF.



2025:KER:14851

Accordingly, WP(C) No.28394/2024 is allowed and Ext.P1 order bearing No.CGRF-CR/OP No.120/2023-24 of the CGRF Central Region is quashed. In the light of the setting aside of the order which is sought to be enforced in WP(C) No.27574/2024, WP(C) No.27574/2024 can only be dismissed.

Accordingly, WP(C) No.27574/2024 will stand dismissed.

sd/-
GOPINATH P.
JUDGE

Nsd



APPENDIX OF WP(C) 28394/2024

PETITIONER EXHIBITS

- Exhibit P1** **TRUE COPY OF THE ORDER DATED 08.05.2024 IN
OP NO. 120/2023-24 ISSUED BY THE 1ST
RESPONDENT**
- Exhibit P2** **TRUE COPY OF THE REVIEW PETITION NO. 2/2024-
25 DATED 21.05.2024 ALONG WITH THE ENGLISH
TRANSLATION**
- Exhibit P3** **TRUE COPY OF THE ORDER DATED 19.06.2024 IN
REVIEW PETITION NO. 2/2024-25 ISSUED BY THE
1ST RESPONDENT**

RESPONDENT EXHIBITS

- Exhibit-R2(a)** **True copy of the news article of the Kochi
Edition of the Madhyamam daily dated
17.07.2024 along with English translation**



APPENDIX OF WP(C) 27574/2024

PETITIONER EXHIBITS

Exhibit-P1

**TRUE COPY OF THE ORDER NO.
CGRF-CR/OP.120/2023-24 DATED 08.05.2024 OF
THE CONSUMER GRIEVANCE REDRESSAL FORUM,
CENTRAL REGION, KALAMMASSERY, ERNAKULAM WITH
ENGLISH TRANSLATION.**

Exhibit-P2

**TRUE COPY OF THE ORDER NO. CGRF-CR/REVIEW
PETITION NO. 2/2024-25 DATED 19.06.2024 OF
THE CONSUMER GRIEVANCE REDRESSAL FORUM,
CENTRAL REGION, KALAMMASSERY, ERNAKULAM.**