

No.N/51/09

**BEFORE THE ARNATAKA ELECTRICITY REGULATORY COMMISSION
BANGALORE**

Dated this 28th January 2010

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|----|-------------------------|-----|--------|
| 1. | Sri Vishvanath Hiremath | ... | Member |
| 2. | Sri K. Srinivasa Rao | ... | Member |

Case No. Appeal 01/2009

Between

Smt. Banu Krishnamurthy Dixit
320, 'Dixit House', Dixit Street
K.B. Extension, C.T.S. – 357
D A V A N G E R E - 577 002

... Petitioner

And

1. Asst. Executive Engineer (Ele.)
CSD – 1, BESCO
D A V A N G E R E – 577 001

2. Consumer Grievance Redressal Forum
BESCO, Central Stores Premises
Near ESI Hospital, Rajajinagar, BANGALORE

3. BESCO, Corporate Office
K.R. Circle, BANGALORE – 560 001

4. Office of Consumer Advocacy
KERC, BANGALORE – 560 001

.... Respondents

1. The appellant Smt. Banukrishnamurthy Dixit has presented this appeal under Section 127(1) of Electricity Act, 2003. In the appeal, the appellant has prayed for holding an enquiry until she gets the ownership of the property documents, etc., and to award a sum of Rs.2,00,000/- (Rupees two lakhs only) as compensation for the loss alleged to have been sustained by her on account of changing her name from 1981 to 2008 and retaining the installation in a fictitious name of one Sri Hanumanthappa, etc.

2. Sri Sanjay K Dixit, Advocate appeared and made his submissions. Sri Sriranga, Counsel for BESCO and Sri Y.G. Muralidharan, Consultant (Consumer Advocacy) of KERC also appeared and made their submissions.

3. As the allegations made in the appeal are in the nature of consumer grievance and not relating to claim under Section 126, matter has already been dealt by Consumer Grievance Redressal Forum of BESCO and Ombudsman, the Commission desired to hear on the maintainability of the appeal before the Commission as a preliminary issue.

4. Accordingly the counsel for the appellant submitted that the appeal is maintainable before the Commission and requested for grant of prayers made in the appeal petition. Whereas counsel for BESCO submitted that the appeal is not maintainable before the Commission.

5. We have considered the respective submissions. We are of the considered opinion that the appeal petition filed before the Commission is not maintainable as admittedly the allegations made in the petition are grievances of a consumer.

6. It is now well settled law that the Commissions cannot adjudicate individual disputes in exercise of its powers conferred under the Electricity Act, 2003 (MERC Vs. Lloyds Steel Industries Limited AIR 2008 SC 1042 and MERC Vs. Reliance Energy Limited AIR 2008 SC 976).

7. Therefore we hold that the appeal is not maintainable and is liable to be rejected on this preliminary ground alone. However the appellant is at liberty to approach the appropriate forum for redressal of its grievances including against the orders of Consumer Grievance Redressal Forum of BESCO and Ombudsman.

8. Appeal stands disposed of in terms of above.

Sd/-
(VISHVANATH HIREMATH)
MEMBER

Sd/-
(K. SRINIVASA RAO)
MEMBER