

Before the Ombudsman, K.E.R.C., Bangalore
Present: Shaik Ahmed,
Ombudsman
Case NO.OMB/B/G-20/2007/2301
Dated 15th March 2007

APPELLANT:

The Managing Director,
BESCOM Corporate Office,
K.R.Circle,
BANGALORE-560001

RESPONDENTS:

1. M/s. Satyam Computers,
No.14, Langford Garden,
BANGALORE-560025

2. Consumer Grievance Redressal Forum,
BESCOM, Central Stores Premises,
Near ESI Hospital, Rajajinagar,
BANGALORE-560010

The MD, BESCOM has challenged the order dated 27.12.2006 of the CGRF passed in file No.CGRF/85/2006/1354 with regard to recovery of Rs.5000/- which is awarded as cost to the Consumer, from AEE (Vigilance) BESCOM. While allowing the petition of M/s.Satyam Computers against wrong billing in respect of its installation bearing RR No.S2HT66, the CGRF has awarded a sum of Rs.5000/- as cost to the consumer along with other relief. Further, the CGRF has ordered to recover the award amount from Shri Shivaram Singh, AEE (Vigilance) BESCOM for causing harassment and mental agony to the consumer.

The Appellant contends that the CGRF has no power to order recovery of Rs.5000/- awarded by it from the official of the Licensee. According to him, the CGRF is competent only to redress the grievances of the consumer under Section 42(5) of the Electricity Act 2003 and it has no power to impose any fine/penalty on the officials on any ground. He, therefore, prays to set aside the order of the CGRF in as much as it relates to the recovery of cost of Rs.5000/- from the AEE (Vigilance) as CGRF has no authority to pass such an order. He, however, has no objection for the other relief granted to the consumer in the impugned order.

The views of CGRF, BESCOM were sought in the matter. The Chairman, CGRF, BESCOM has informed that under Regulation 9.1(b) of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, the CGRF is competent to award costs. He has further informed that in the instant case, the consumer has suffered harassment and mental agony at the hands of the AEE (Vigilance) and hence the award of cost of Rs.5000/- is ordered to be recovered from the AEE(Vigilance) with a view to prevent such arbitrary actions by the officials of the Licensee.

A notice was issued to M/s.Satyam Computers who was the Petitioner before the CGRF to file its objections/remarks, if any, in the matter. There is no written reply from M/s.Satyam Computers. But then an official of this company has orally confirmed the receipt of the notice and informed that the company does not want to contest the case and insist for payment of Rs.5000/- awarded by the CGRF, as their genuine grievance has been already redressed by the CGRF.

I have gone through the records. The question before me is whether or not the CGRF is competent to order recovery of the award amount from the official of the licensee. Under Regulation 9.1(b) of the aforesaid Regulations, the CGRF is competent to award suitable compensation as cost to the consumer. It is for the Licensee to pay the award amount from its kitty or surcharge the defaulting official for dereliction of duty. CGRF is therefore not competent to impose any penalty on the officials of the Licensee. The order of the CGRF to recover the costs from the AEE (Vigilance) therefore has no locus standi and is liable to be set aside. In the instant case, the CGRF has awarded the cost without the consumer's urge or prayer for the same. What is not asked cannot be granted. Further, the consumer being a big software firm is not keen to seek the payment of the award as its main grievance has been already redressed by the CGRF.

ORDER

In the circumstances explained above, the order of the CGRF to award Rs.5000/- and to recover this amount from the AEE (Vigilance) is hereby set aside. This order does not affect the other relief granted to the consumer in the impugned order.

(Shaik Ahmed)
Ombudsman

1. The Managing Director, BESCO Corporate Office, K.R.Circle, Bangalore-1
2. M/s.Satyam Computers, No.14, Langford Garden, Bangalore-560025
3. The Consumer Grievance Redressal Forum, BESCO, Central Stores Premises,
Near ESI Hospital, Rajajinagar, Bangalore-560010
4. PS to Hon.Chairman
5. PS to Hon.Member-I
6. PS to Hon.Member(Tech)
7. Consultant (CA)
8. Chairpersons of all Grievances Redressal Fora for information

