

**BEFORE THE ELECTRICITY OMBUDSMAN**

No.16 C-1, Miller Tank Bed Area (Behind Jain Hospital,  
Vasanathanagar, Bengaluru-560 052

Present: S.S. Pattanashetti

Electricity Ombudsman

**Case No.OMB/B/G-298/2018**

**Dated: 31-07-2018**

Sri Vishwanath  
S.V.Layout, 1<sup>st</sup> Cross, 1<sup>st</sup> Main  
Sanjaynagar,  
Bangalore-560 094 : Appellant

VS

1.The Assistant Executive Engineer (Ele)  
C-4 Sub-Division, BESCOM,  
Tata Nagar, Kodigehalli,  
Bangalore-560 094.  
2.The Chairman,  
Consumer Grievance Redressal Forum  
Bangalore Urban District, BESCOM,  
Bangalore. : Respondents

This is an Appeal filed under Clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders of CGRF, BESCOM, Bangalore Urban District (herein after referred to as the 2<sup>nd</sup>

Respondent) in case No.CGRF 52/2016-17 dated:17-04-2018. The Appellant sought interim relief for staying the operation of the order dated:17-04-2018 of the CGRF in the interest of justice, among other reliefs.

Notices were served on both the parties to appear before this Authority on 18-07-2018 at 3.00 p.m. to put forth their arguments.

This case was taken up for hearing on 18-07-2018 and again on 20-07-2018. The Advocate for the Appellant Sri M.A. Delvi and the representative of the Appellant Sri Saleem Jawed were present. Respondent-1 AEE , C-4 Sub-Division, BESCO, Tatanagar was also present. Heard both the parties.

The Advocate for the Appellant has submitted that the Appellant was in occupation of the building in question from 1-11-2014, with LT2(A) connection (Domestic). Vigilance Wing of BESCO inspected the building on 19-1-2015 and found that the building was used for commercial purpose (service apartment). Respondent-1 AEE issued notice for paying commercial rate from 19-1-2014 till 19-1-2015. This was challenged by the Appellant before CGRF, who in their order dated:31-03-2016 ordered that the bill should be restricted from the date of rental agreement (1-11-2014) to the date of inspection by the Vigilance Wing (19-1-2015). Accordingly, the Appellant paid the bill.

The Appellant made an application on 29-5-2015 to AEE for correcting the tariff from LT-2 (A) (Domestic purpose) to LT-3 (commercial purpose). The application of the Appellant was considered by the AEE and LT 2(A) connection was converted to LT (3) on 31-08-2016. AEE issued notice to pay Back Billing Charges (BBC) from 19-1-2015 to 31-8-2016. This was again challenged by the Appellant before CGRF. CGRF not knowing that the conversion of tariff from LT – 2 (A) to LT-3 has already taken place, ordered on 17-4-2018 that Appellant should get the tariff converted to LT-3 (commercial tariff) and dismissed the complaint. The order of the CGRF which is challenged now before this Authority is factually incorrect.

Further the Respondent -1 AEE after verification in his office regarding receipt of the application of Appellant regarding change in tariff from LT 2(A) to LT-3, submitted orally on 20-07-2018 during the hearing that the said application was not traceable in his office. However, the Appellant's Advocate produced a copy of the complaint filed before CGRF on 28-05-2015 along with a copy of the application for change of tariff from LT – 2 (A) to LT-3 dated 29-05-2015 and a copy of DD for Rs.49,000/- dated 26-05-2015 submitted to Respondent 1 AEE. This goes to prove that the Appellant had submitted application for change of tariff on 29-5-2015 and no action was taken by the Respondent's office till 31-8-2016. The Appellant cannot be made to pay the back-billing charges up to the date of tariff

conversion from LT – 2 (A) to LT-3 because of the delay caused by the Respondent in acting on the application for conversion of tariff. Giving a reasonable time of one month for the Respondent's office to process the application of the appellant it is not justifiable to put up back billing charges beyond 30-6-2015.

Hence the order of CGRF dated:17-4-2018 in Case No.CGRF 52/2016-17/28-11-2016 is set aside. The Appellant shall pay the back billing charges from the date of rental agreement i.e 01-11-2014 to 30-6-2015 i.e., one month after the submission of application for change in tariff.

Order pronounced in open Court.

Sd/-  
(S.S. Pattanasthetti)  
Electricity Ombudsman.

TO:

1. Sri M.A. Delvi, Advocate, No.8, 3<sup>rd</sup> cross, Pottery Town, Bangalore-560 046.
2. Sri Vishwanath S.V.Layout, 1<sup>st</sup> Cross, 1<sup>st</sup> Main, Sanjaynagar, Bangalore-560 094.
3. Sri Saleem Jawed, Representative of the Appellant, No.18/1, 2ns Cross, Anjanappa Block, Krishnamma Garden, Bangalore-560 046
4. The Assistant Executive Engineer (Ele) C-4 Sub-Division, BESCO, Tata Nagar, Kodigehalli, Bangalore-560 094.
- 5.The Chairman, Consumer Grievance Redressal Forum Bangalore Urban District,BESCO, Bangalore.
6. The Managing Directors of all ESCOMS  
Copy to
  - 1.PS to Hon'ble Chairman,KERC
  2. PS to Hon'ble Member (A),KER
  3. PS to Hon'ble Member (M),KERC
  - 4.PS to Secretary.