

BEFORE THE ELECTRICITY OMBUDSMAN

9/2, 6th Floor, Mahalakshmi Chambers, M.G Road, Bangalore – 560 001

**Present: B.N.Krishnaiah
Electricity Ombudsman**

Case No.OMB/G/G-280/2017

Dated : 29.06.2017

Tahera Khatoon,
D/o late Ahmed Husain,
H.No.3-11-11,
Near Hamdard High School,
Raichur – 584 101

... Appellant

(By Sri S.Mahaboob, Authorised Representative)

V/S

1. The Assistant Executive Engineer (EI),
O & M, sub-division No.1,
GESCOM, Raichur

(AEE in person)

2. The Chairman & Superintending Engineer,
Consumer Grievance Redressal Forum,
Office of the Superintending Engineer,
O & M Circle, GESCOM,
Raichur

... Respondents

1. This is an appeal under clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by CGRF, GESCOM, Raichur, dated 06.04.2017.

2. Comments were called vide letter dated 19.04.2017 from the respondents and the AEE has submitted reply by letter dated 28.04.2017.

3. Both the appellants and the respondents were informed vide letter dated 16.05.2017 regarding availability of sub-section 20(1) of KERC (CGRF & Ombudsman) Regulations, 2004.

4. The case of the appellant is that she has applied for temporary connection from GESCOM, Raichur, in the year 2014. In the year 2015, she applied for permanent connection. The AEE issued a bill for Rs.70,553-00 and the appellant sought details for this demand. For this there was no reply by the AEE. Hence, the appellant approached CGRF in a complaint. During the pendency of the complaint before the CGRF, the appellant has paid 50% of the bill. After payment of 50% of the demand amount, the AEE issued Work Order. Took about on year for providing permanent power supply to the installation. Hence, the appellant sought for compensation for the delay at Rs.200-00 per day.

5. The AEE has furnished the reply vide letter dated 28.04.2017 and has stated as follows:

(i) The consumer applied for temporary power supply to an extent of 1 KW for her building construction on 20.01.2014. The power was sanctioned on 21.01.2014 with RR No.T-5726;

(ii) The consumer applied for permanent power sanction for 2 KW under LT-2(a) category when the building was still under construction. On the request of the consumer that the construction will be completed within a week, an estimate was submitted on 04.02.2015 by the Section Officer, and

accordingly power sanction was communicated on 26.02.2015. After payment of the deposits by the consumer the Work Order was assigned dated 20.04.2015;

(iii) In the meantime, the AEE (Vigilance), GESCOM, Raichur, inspected the installation on 18.02.2015 and preferred the back billing charges for a sum of Rs.70,553-00 against the excess load of 4 KW;

(iv) Notice was served to the consumer by the AEE, O & M USD-1, demanding back billing charges of Rs.70,553-00 dated 16.04.2015. The back billing charges was also demanded in the monthly bill of May 2015;

(v) The charges shown in the back billing was not paid and hence the installation could not be serviced though the Work Order assigned;

(vi) During the pendency of the complaint before the CGRF, the consumer has paid 50% of the demanded amount and the installation was serviced on 29.02.2016;

(vii) Letter dated 26.09.2015 addressed to Sri Sharath Kumar, Advocate who appeared for the Appellant before CGRF, was sent furnishing information sought under RTI Act.

6. During the course of the hearing the representative of the appellant has submitted that the consumer has not received any provisional notice. The information furnished to said Sri Sharath Kumar under RTI Act cannot be construed as information furnished to the consumer. Further, submitted that the AEE has not passed any final order confirming the provisional demand. The AEE also is not disputing the fact the final order confirming

the provisional demand is issued. In fact there is no document furnished to show that final order has been issued. While initiating proceedings by AEE, it appears that proper procedures are not followed. Therefore, the matter needs reconsideration. Hence the following Order.

ORDER

The appeal is allowed. The matter is remanded to the AEE for considering the matter afresh. The AEE shall hear the consumer or her representative and then pass a final Order as per law at the earliest.

Sd/-

(B.N.Krishnaiah)
Electricity Ombudsman

To:

1. Sri S.Mahaboob, No.13-2-2/195, Arjunappa Colony, Yeramaras Camp, Raichur – 584 135
2. The Assistant Executive Engineer (EI), O & M, sub-division No.1, GESCOM, Raichur
3. The Chairman & Superintending Engineer, Consumer Grievance Redressal Forum, GESCOM, Office of the Superintending Engineer, O & M Circle, Raichur
4. Managing Directors of ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member (A), KERC
7. PS to Hon. Member (M), KERC
8. PS to Secretary, KERC
