

D-929

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/M/G-271/2016

Dated : 21.08.2017

Harikrishna Rao,
Partner,
M/s.Radha Electrical Industries,
3/87-2, Main Road, Kulai,
Mangalore – 575 019

... Appellant

(Party in person)

V/S

1. Assistant Executive Engineer (O & M),
MESCOM,
Baikampady,
Mangalore

(AEE in person)

2. The Chairperson,
C.G.R.F.
MESCOM
Office of the Superintending Engineer,
O & M Circle, Attavara,
Mangaluru

... Respondents

1. This is an appeal under clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by CGRF, Mangalore, dated 14.07.2016 claiming compensation at Rs.50-00 per day for the delay in refunding the security deposit amount with interest and also compensation for the inconvenience.

2. The appellant earlier had approached this Authority (Ombudsman) in OMB/M/G-197/2014 against the order dated 30.09.2014 of the CGRF pertaining to (a) non-refunding of Service Line Charges, (b) Non-refunding of Security Deposit, (c) refusal of the Licensee to pay compensation for delay in refunding Service Line Charges and Security Deposit at Rs.50/- per each day of delay and (d) non-payment of interest on Security Deposit and Service Line Charges. The Ombudsman after considering the submissions made by both the parties passed the order dated 22.01.2015 partially allowing the appeal and remanded the matter to the 1st respondent. The Order of the Ombudsman is as follows

- (i) The appellant is not eligible for refund of service line charges and, hence, the plea for refund of service licence charges is dismissed;
- (ii) The 1st respondent is directed to examine the claims of the appellant regarding refund of security deposits under Clause 9 of KERC (Security Deposit) Regulations, 2007 within 30 days from the passing of the order. If the appellant is found eligible for refund of the entire additional security deposit, the 1st respondent shall refund such amounts immediately and in case found ineligible, the 1st respondent shall intimate the same to the appellant within a reasonable period;

(iii) The claims of the appellant for payment of compensation for delay in refunding certain amount by the 1st respondent is hereby dismissed as claims are not made in proper form and also on the ground that the appellant not exhausted the legal remedies available under the law.

3. Thereafter the Appellant approached the Respondent No.1 seeking reliefs as per the Order by the Ombudsman.

4. The AEE in his letter dated 06.12.2016 has submitted a detailed report on the action taken in pursuance of the order of Ombudsman dated 22.01.2015 and order of CGRF dated 14.07.2016 . He has reported that he has complied with the directions of the CGRF for payment of interest at 1% on the additional security deposit for the period from 01.09.2009 to 21.11.2013.

5. Aggrieved by the proceedings of the AEE, the Appellant has approached the CGRF. The CGRF after considering the averments made by both parties has ordered as follows :

“ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್ (ಬಿ), ಕಾರ್ಯ ಮತ್ತು ಪಾಲನಾ ಉಪವಿಭಾಗ, ಬೈಕಂಪಾಡಿರವರು ಕೆಯುಎಲ್ - 3039 ಸ್ಥಾವರದ ಖಾತೆದಾರರಾದ ಶ್ರೀ ಹರಿಕೃಷ್ಣ ರಾವ್ ಕೆ. ಪಾಲುದಾರು, ಮೆ: ರಾಧಾ ಎಲೆಕ್ಟ್ರಿಕಲ್ಸ್ ಇಂಡಸ್ಟ್ರೀಸ್, ಕುಳ್ಯಾ ಮಂಗಳೂರು, ಇವರಿಗೆ ದಿನಾಂಕ 1.9.2009 ರಿಂದ 21.11.2013 ರ ಅವಧಿಯಲ್ಲಿನ “ಹೆಚ್ಚುವರಿ” ಭದ್ರತಾ ಠೇವಣಿ ಮೊತ್ತಕ್ಕೆ ಮಾಹೆಯಾನ 1% ದರದಲ್ಲಿ ದಂಡ ರೂಪದ ಬಡ್ಡಿಯನ್ನು ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನಿಯಂತ್ರಣ ಆಯೋಗದ (ಭದ್ರತಾ ಠೇವಣಿ)

ನಿಯಮಾವಳಿ 2007ರ ಕಂಡಿಕೆ 6.2(ಬಿ) ರಂತೆ ಈ ಆದೇಶದ ದಿನಾಂಕದಿಂದ 30 ದಿವಸದೊಳಗಾಗಿ ಪಾವತಿಸಿ ಪಾಲನಾ ವರದಿ ನೀಡುವುದು.”

6. Again aggrieved by the order of the CGRF, the Appellant has filed this appeal.

7. The proceedings of AEE, order of CGRF and the averments made by the Appellant are perused.

8. The claim of the Appellant is for payment of compensation at Rs.50/- per day for the delay in refund of additional security deposit as per Notification No.D/01/03 dated 24.05.2004 i.e. KERC Licensees Standards of Performance) Regulations, 2004. On this issue, the CGRF in their order dated 14.07.2016 have ordered for payment of 1% penal interest as per KERC Security Deposit Regulations, 2007.

9. The CGRF in their order appears to have taken into consideration the latest Regulation passed in the year 2007. With this CGRF has allowed the appeal and ordered for payment of interest on delayed payment which appears to be in order. There are no vital and substantial reasons to interfere with the order of the CGRF. Hence the appeal is dismissed.

Sd/-

(B.N. Krishnaiah)
Electricity Ombudsman

To :

1. Harikrishna Rao, Partner, M/s.Radha Electrical Industries, 3/87-2, Main Road, Kulai, Mangalore – 575 019
2. Assistant Executive Engineer (O & M), MESCOM, Baikampady, Mangalore
3. The Chairperson, C.G.R.F. MESCOM, Office of the Superintending Engineer, O & M Circle, Attavara, Mangaluru, Phone : 0824-2448582
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