

D-697

# BEFORE THE ELECTRICITY OMBUDSMAN

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

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

**Case No.OMB/B/G-249/2016**

**Dated : 24<sup>th</sup> May 2016**

Smt.M.R.Gayathri,  
No.17(1), 1 `C' Main Road,  
Peenya Industrial Area,  
2<sup>nd</sup> Phase,  
Bengaluru – 560 058

... Appellant

**(By Sri Ramakrishna Mudugal, Authorized Representative)**

V/S

1. The Assistant Executive Engineer(EI),  
O&M, N-4 Sub-Division, BESCOM  
No.488, Peenya 2<sup>nd</sup> Stage,  
4<sup>th</sup> Phase, 14<sup>th</sup> Cross,  
Bangalore – 560 058

**(Party in person)**

2. The Chairperson  
CGRF, Bangalore Urban District,  
BESCOM, West circle,05,3rd stage  
Bhimajyothi HBCS Layout,Bangalore  
Next to Chord Hospital, Basaveshwara  
Nagar, Bangalore-560079

... Respondents

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1. This is an appeal under clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by CGRF, BESCOM, Bangalore Urban District, Bangalore(here in after referred to as the 2nd Respondent) dated 30.12.2015 in regard to the complaint filed by the appellant regarding issue of back bill by the 1st Respondent for Rs. 33,207-00.

2. Comments were called from the AEE, vide letter dated 29.02.2016.

3. Both the parties were informed vide letter dated 10.03.2016 regarding availability of sub-regulation 20(1) of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement by conciliation and mediation which both parties have not availed. Hence, this Authority proceeds to pass the orders on merits.

4. The appellant is a registered electricity consumer of BESCOM bearing installation No.PNP-2147. The installation was serviced on 31.05.1994 with a sanctioned load of 40 HP. The L.T. Rating sub-division, conducted inspection of the installation on 22.08.2011 and observed that the meter reader had omitted to take the ckwh-e-export energy availed by the appellant and had taken only ckwh (import) for billing and hence the appellant is liable to pay for the differential units. Based on this report the AEE raised the bill for Rs.30,274-00 through a supplementary bill dated 26.10.2011. The appellant fearing disconnection of power supply, paid Rs.30,274-0 including interest and tax amount of Rs.2,788-00, totally Rs.33,052-00 under protest. Thereafter, this was challenged before the CGRF and the CGRF dismissed the complaint by its order dated 23.06.2014. This order of the CGRF was challenged before the Ombudsman in

No.OMB/B/G-191/2014. The case came to be disposed off by the Ombudsman in the following terms :

- (a) The impugned orders of the CGRF vide No.CGRF/Chairman/West Circle/1639-44 dated 23.06.2014 is hereby set aside ;
- (b) The case is remanded to the 1<sup>st</sup> respondent to pass fresh assessment orders following the procedure laid down under Clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka;
- (c) The 1<sup>st</sup> respondent is directed not to disturb power supply to the subject installation till such time he passes the final assessment order in the matter.

5. After remand, instead of passing any fresh order with respect to the claim of Rs.30,274-00, the 1<sup>st</sup> respondent appears to have raised a supplementary bill for Rs.33,207-00 for the period 22.08.2011 to 13.02.2014 on the same ground that the export reading is not taken into account. The AEE vide letter dated 15.10.2014 has demanded the amount of Rs.33,207-00 towards export reading for the period from 28.02.2011 to 13.02.2014 giving 15 days notice to pay the amount and also to file any objections to the same. This claim was questioned before the CGRF, and the CGRF has disposed of the complaint by its order dated 30.12.2015 directing the AEE to take action as per the orders of the Ombudsman dated 13.08.2014 in OMB/B/G-191/2014. Thereafter, the AEE by letter dated 30.01.2016 again demanded Rs.33,207-00 by giving 15 days time. Aggrieved by this, the appellant has

come before this Authority questioning again the order of the CGRF dated 30.12.2015.

6. The AEE has submitted the reply vide letter dated 31.03.2016 and it is as follows :

(a) The installation pertaining to the appellant was manufactured by the L & T Company;

(b) The MT reading division inspected the installation, observed and submitted a report saying that the export readings KWH were recorded and the same not billed. Based on the said report a demand for Rs.30,274-00 was issued to the consumer. In pursuance of the same, the consumer approached the CGRF, and subsequently has paid the amount. Thereafter a demand for Rs.33,207-00 for the period 22.08.2011 to 13.02.2014 was raised. Against this demand also the consumer has approached the CGRF and the complaint was disposed of by the CGRF advising the AEE to take action as ordered by Ombudsman vide order dated 13.08.2014 in OMB/B/G-191/2014;

(c) The Licensee has issued a letter dated 19.01.2016 and 30.01.2016 demanding the amount;

7. The appellant has submitted a letter date 01.04.2016 and has contended as follows :

(a) BESCO has not followed the provisions of Electricity Act, 2003 and have committed a error;

(b) The CGRF has passed an order against the appellant without hearing the appellant;

- (c) The installation was fitted with ETV meter in 2002 and no information was given about the functioning of this meter, now import and export readings are created and the appellant was kept in dark;
- (d) Though there are 3700 installations in the area where the industry of the appellant is situated, the installation of the appellant was chosen for experimental exercise deliberately to harass the appellant;
- (e) The meter reader has not raised the issue of export reading from the date of installation (11.01.2002) to 13.02.2014. Further in 2006 and 2007 a team consisting of higher officers inspected the installation and reported that the meter is working properly in all aspects. During this time also the issue of export reading was not raised;
- (f) As per Section 26.02 of the Electricity Act the electrical installation shall be inspected every two years. This rule has not been followed by BESCO;
- (g) Though the appellant has requested on 02.03.2012 to change the old meter with new meter, the old meter was replaced with the new meter on 13.02.2014 after lapse of nearly two years;
- (h) As per Regulation 29.08 of Conditions of Supply the Licensee cannot recover the back bill amount after two years. The authorities should have recovered the amount before 2004. But the BESCO has demanded the back bill amount on 15.10.2014.

8. After the disposal of the appeal by the CGRF 30.12.2015 to follow the procedure as per the order dated 13.08.2014 in No.OMB/B/G-191/2014, the

AEE has called upon the appellant to pay the amount. On perusal of records and the submissions made by both the parties it is seen that proper application of mind is not made by the respondent authorities, to follow the procedures laid down. Hence, I pass the following order.

### **ORDER**

The final order demanding Rs.33,207-00 is set aside. The appellant is permitted to file her objections to the demand notice. The matter is remitted back to the AEE to consider the objections that may be filed by the appellant and pass appropriate orders on the same in accordance with law.

Sd/-

**(B.N. Krishnaiah)**  
**Electricity Ombudsman**

To :

1. Smt.M.R.Gayathri, No.17(1), 1 'C' main Road, Peenya Industrial Area, 2<sup>nd</sup> Phase, Bengaluru – 560 058
2. The Assistant Executive Engineer(EI), O&M, N-4 Sub-Division, BESCOM No.488, Peenya 2<sup>nd</sup> Stage, 4<sup>th</sup> Phase, 14<sup>th</sup> Cross, Bangalore – 560 058
3. The Chairperson, CGRF, Bangalore Urban District, BESCOM, West circle, 05, 3rd stage, Bhimajyothi HBCS Layout, Bangalore, next to Chord Hospital, Basaveshwara Nagar, Bangalore-560079.
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

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