

D-646

# 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-230/2015**

**Dated : 4<sup>th</sup> March 2016**

Shri G.Prabhakar Reddy,  
No.974/49, Hongasandra,  
Hosur Road,  
Bengaluru – 560 068

(Represented by M/ Arasor Technologies (P) Ltd.

... Appellant

**(By Sri M.A.Delvi, Adv)**

V/S

1. The Assistant Executive Engineer(EI),  
O&M,S-8 Sub-Division, BESCO  
BESCO,  
No.52/2, Kudluge, Hosur Road,  
Bangalore – 560 068

**(Party in person)**

2. The Chairperson  
CGRF, Bangalore Urban District,  
BESCO, 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, BESCO, Bangalore Urban District, Bangalore(here in after referred to as the 2nd Respondent) dated 29/3/2014 in regard to the complaint filed by the appellant regarding issue of back bill by the 1st Respondent for Rs. 7,36,080 stating that the installation comes under LT-3 tariff since it is being used for the software developments in Telecom services and value added services.

2. The contentions of the appellant before the Ombudsman are that :

(a) The appellant is a consumer of BESCO bearing RR No.4SP2145 with a sanction load of 74 KW and the said premises is tenanted to M/s.Araser Technologies Pvt. Ltd., who in turn is under a contract with the Indian Telephone Industries dated 17.03.2009 for manufacture and supply of several components of their requirements.

(b) The unit is registered with the Directorate of Industries & Commerce as a unit engaged in "Manufacturing" services of telecommunication and networking products like wireless and optional equipments.

(c) The respondent AEE raised a demand for Rs.7,36,080/- stating that it comes under LT-3 tariff stating that it is engaged "for the software developments in Telecom services and value added services".

(d) The appellant has filed objections on 27.02.2013 stating that the unit is registered with the Directorate of Industries & Commerce as a manufacturing unit further says that and obtaining a Certificate from the IT & BT Department is not necessary.

(e) The respondent AEE has passed the order dated 12.03.2013 confirming the back billing and also recorded therein that the consumer had not responded for the demand notice.

(f) This order of the AEE dated 12.03.2013 was questioned by filing a complaint before the CGRF by the appellant and the complaint was dismissed by their order dated 29.03.2014.

3. Sri M.A.Delvi, Advocate, further argued that the appellant was not heard in the matter in detail and the AEE had passed the order without verifying the records.

4. Sri Chandrashekara, AEE, Respondent, appeared before this Authority and advanced his arguments.

5. Considered and perused the documents, arguments submitted by the parties. It is found that proper verification of documents is not done by the Respondent No.1 before passing of the order dated 12.03.2013 and while confirming the same by the CGRF vide their order dated 29.03.2014. Hence, I proceed to pass the following order.

### **ORDER**

The BBC confirmation order of the Respondent No.1 dated 12.03.2013 and the order dated 29.03.2014 of the CGRF are set aside. The matter is remitted back to the AEE, to consider the objections filed by the appellant and to hear the same afresh and pass necessary orders in accordance with law on merits. In the result the appeal succeeds.

Sd/-  
**(B.N. Krishnaiah)**  
**Electricity Ombudsman**

To :

1. Sri M.A.Delvi, Advocate, No.8, 3<sup>rd</sup> Cross, Pottery Town, Bangalore – 560 046.
2. The Assistant Executive Engineer(EI), O&M, S-8 sub-division, BESCOM, No.52/2, Kuduligate, Hosur Road, Bangalore – 560 068 .
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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