

D-647

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/B/G-231/2015

Dated the 4th March 2016

Shri K.Mehernath,
No.15, `STHIRA', 17th Cross,
15th Main, J.P.Nagar, 5th Phase,
Bangalore – 560 078

... Appellant

(Party in person)

V/S

1. The Assistant Executive Engineer(EI),
O&M,S-12 Sub-Division, BESCOM
BESCOM,
113/B, 1st Stage,
Mehta jewellery & Complex,
S-12 sub-division, J.P.Nagar 7th Phase,
Gouranagar,
Bangalore – 560 078

(Rep. by Sri K.Vinayaka, Law Officer, BESCOM)

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

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 11.09.2015.

2. Comments were called vide letter dated 16.10.2015 from the respondent AEE and he has submitted the reply vide letter dated 19.11.2015.

3. Both the appellants and the 1st respondent were informed vide letter dated 08.01.2016 regarding availability of sub-section 20(1) of KERC (CGRF & Ombudsman) Regulations, 2004, which both the parties have not availed. Hence, this Authority proceeds to pass orders on merits of the case.

4. The main issues raised by Appellant are as follows :

(a). Installation RR No.S12TP2394 was serviced in the name of the appellant Sri K.Mehernath at L-17 tariff with a sanctioned load of 7 kW on 26.12.2011 and the same was disconnected on 27.12.2013 after completion of two years. The appellant took temporary service vide RR No.S12TP5170 on 07.01.2014 with a sanction load of 6 KW.

(b). On 20.01.2014 the vigilance staff inspected the premises and reported that the consumer was using excess power to an extent of 12.75 kW. On the basis of this report back billing at Rs.8,160 was raised.

(c). On 16.01.2014 MRT staff inspected the said premises and reported the meter was running 59.68% slow and a back billing for Rs.12,074 was raised.

- (d). In the meanwhile as the consumer had surrendered the temporary installation bearing RR S12TP5170 and availed new permanent connection BBC amount for excess load for Rs.8,160 (excess load) and BBC amount for Rs.12,074 in respect of slow recording of the meter was transferred to the new installation No.MS 12eh 14043.
- (e). The said back billing charges raised was questioned by the appellant before the CGRF. The CGRF by its order dated 11.09.2015 has passed an order directing the AEE to revise the bills. Accordingly, the AEE has passed the orders dated 23.09.2015. The back billing charges with respect to slow reading was revised from Rs.12,074 to Rs.160. However, with regard to there is no change in the back billing charges of Rs.8,160.00.
- (f). The appellant argued that before passing the said order by CGRF he was not heard and the report of the vigilance was not made available to him.

5. On behalf of the 1st respondent, Sri K.Vinayaka, Law Officer, appeared and argued the case. According to him, the case is of two parts i.e. (a)using excess load and (b) slow recording of the meter. He further argued that with respect to the issue relating to the excess load, the appellant has to prefer an appeal to the Appellate Authority and the CGRF has no jurisdiction to decide the issue. However, the CGRF by order dated 11.09.2015 has passed an order remanding the case to the AEE and directed him to issue revised bills. After consideration of the case, the AEE has passed an order revising the back billing charges with respect to slow reading of the meter from Rs.8,160 to Rs.160. But with regard to excess load, there is no change in the

demanded amount. The Law Officer further submitted that the appellant may also approach the AEE for any clarification.

6. All the issues raised by both the parties in their written and oral arguments, and the documents submitted are perused and considered. Accordingly, the following order is passed.

ORDER

The appeal is disposed off giving liberty to the appellant to approach the Appellate Authority with regard to demand raised in respect of excess load and seek further relief.

Sd/-

(B.N. Krishnaiah)
Electricity Ombudsman

To :

1. K.Mehernath, No.15, 'STHIRA', 17th Cross, 15th Main, J.P.Nagar, 5th Phase, Bangalore – 560 078
2. Sri K.Vinayaka, Law Officer, BESCO, K.R.Circle, Bangalore – 560 001.
3. The Assistant Executive Engineer(EI), O&M, S-12 sub-division, J.P.Nagar 7th Phase, Gauraunagar, Bangalore – 560 078.
4. The Chairperson, CGRF, Bangalore Urban District, BESCO, West circle, 05, 3rd stage, Bhimajyothi HBCS Layout, Bangalore, next to Chord Hospital, Basaveshwara Nagar, Bangalore-560079.
5. Managing Directors of ESCOMs.
6. PS to Hon. Chairman, KERC
7. PS to Hon. Member (A), KERC
8. PS to Hon. Member (M), KERC
9. PS to Secretary, KERC
