

D-749

BEFORE THE ELECTRICITY OMBUDSMAN

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

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

Case No.OMB/H/244/2016

C/w

Case No.OMB/H/245/2016

Case No.OMB/H/246/2016

Case No.OMB/H/256/2016

Case No.OMB/H/257/2016

Dated 10.08.2016

Between :

M.Co Hospital Aids Pvt. Ltd.,
C/o Tushar M.Baddi
Near SBI, Keshwapur,
Hubballi

... Appellant

(By Sri Tushar M.Baddi, Authorised Representative)

1. The Assistant Executive Engineer (EI)
O & M sub-division-3, HESCOM
Industrial Estate, Gokul Road,
Hubballi.

2. The Chairperson, CGRF,
Dharwar District, HESCOM,
Office of the Superintending Engineer,
O&M Circle, HESCOM, Tabibland,
Hubballi

... Respondents

(R-1 by Sri H.V.Devaraj, Advocate).

1. The appeals cited below are filed by against the orders of the CGRF, Hubballi, as follows :

SI No.	Appeal number	Order of the CGRF
1.	OMB/H/G-244/2016	Order No. ಅಇಂ (ವಿ)/ಉಲೆನಿ/ಹಿಸ-೧/ ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-189/CYS-148 dated 14.01.2016 in complaint No.187
2.	OMB/H/G-245/2016	Order No. ಅಇಂ (ವಿ)/ಉಲೆನಿ/ಹಿಸ-೧/ ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-190/CYS-146 dated 14.01.2016 in complaint No.188
3.	OMB/H/G-246/2016	Order No. ಅಇಂ (ವಿ)/ಉಲೆನಿ/ಹಿಸ-೧/ ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-191/CYS-150 dated 14.01.2016 in complaint No.189
4.	OMB/H/G-256/2016	Order No. ಅಇಂ (ವಿ)/ಉಲೆನಿ/ಹಿಸ-೧/ ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-188/CYS-147 dated 14.01.2016 in complaint No.190
5.	OMB/H/G-257/2016	Order No. ಅಇಂ (ವಿ)/ಉಲೆನಿ/ಹಿಸ-೧/ ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-187/CYS-149 dated 14.01.2016 in complaint No.191

Initially, three appeals (SI Nos.1 to 3) were filed and subsequently, two appeals (SI.Nos.4 and 5) were filed. Since the issues in the said cases are similar in nature all the said appeals are clubbed together and were taken for enquiry.

2. The appellant has submitted five original receipts for refund of advance security deposits of Rs.10,000-00, Rs.28180-00, Rs.10,000-00, Rs.10460-00 and Rs.81095-00 on 17.08.2010 for refund in respect of security deposit of Rs. 81,095-00 on 22.05.2012 he has submitted original receipts for refund of security deposits made at Rs. 10,000-00, Rs.28180-00, Rs.10,000-00, and Rs.10460-00 .

3. The AEE in his statement before the CGRF has admitted the payment towards security deposits, submissions of original receipts on 17.08.2010 with respect to security deposit of Rs. 81,095-00 and four original receipts on 22.05.2012 in respect of four security deposits made at Rs. 10,000-00, Rs.28180-00, Rs.10,000-00, Rs.10460-00 and requested the AEE to adjust against the electricity bill. The AEE has stated before the CGRF that letter was addressed on 27.03.2013 seeking particulars in the prescribed form which was submitted by the appellant on 25.06.2013 and the refund was made by cheque No.634350 dated 24.01.2014 for Rs.1,39735-00 (Rs.28,180 + Rs.10,000 + Rs.10,000 +Rs.10460 + Rs.81,095). Further, the AEE has also stated before the CGRF due to 'Go Live' programme in the sub-division there has been delay in refunding the advance security deposits and requested the Forum not to impose penalty to impose any penalty and to treat all the five cases as one case as the issue pertains to one installation.

4. The CGRF has held that that the appellant has submitted the original receipt on 25.06.2013 for refund of advance security deposit and ordered for compensation at Rs.50/- per day for delay in refund of advance security deposit in respect of complaint No.187, and rejected the other four complaints.

5. Before this Authority also, the learned Advocate for the respondent AEE has submitted that the refund of deposits pertains to one installation only and the CGRF has already given relief in Complaint No.187 order the HESCOM for compensation at the rate of Rs.50/- per day for delay in refund of advance security deposit, and prayed to dismiss the appeals. The Authorised Representative submitted though the issue pertains to one installation, the transactions are different. If the information had to be submitted in the

prescribed format the AEE ought to have informed when the original receipts were submitted for refund and further argued that there is no format in the Hand Book published by the HESCOM and the information was submitted in the prescribed format after collecting the format from some other Contractor.

6. The learned Advocate for the 1st respondent AEE again reiterated that though there are five receipts submitted for refund, they pertain to one installation and the CGRF has already awarded compensation in complaint No.187, he requested the Authority to dismiss the appeals.

7. The CGRF have rightly passed the orders considering the submission of receipt dated 25.06.2013 for refund which is submitted along with required documents.

8. As per Sl.No.14 of Schedule-I of KERC (Licensees' Standards of Performance) Regulations 2004, refund of deposit has to be made within 60 days after receipt of request. If there is delay the Licensee has to pay compensation at Rs.50/- per day. The CGRF in their order dated 14.01.2016 have dealt and discussed the matter in detail and have passed the order as per prevalent norms.

9. Considered the written and oral submissions made by both the parties. No substantial and vital reasons are found to interfere with the orders of the CGRF. Hence the following Order.

ORDER

Appeals are dismissed.

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

To :

1. Sri Tushar M.Baddi, Near SBI, Keshwapur, Hubballi
2. Sri H.V.Devaraju, Advocate, No.39, Shop No.24, Mazzanine Floor, A.S.V.N.V.Bhavan, K.G.Road, Bengaluru – 560 009.
3. The Assistant Executive Engineer (EI), O & M sub-division-3, HESCOM Industrial Estate, Gokul Road, Hubballi.
4. The Chairperson, CGRF, Dharwar District, HESCOM, Office of the Superintending Engineer, O&M Circle, HESCOM, Tabibland, Hubballi
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
