

D-756

# BEFORE THE ELECTRICITY OMBUDSMAN

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

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

**Case No.OMB/H/G-240/2016**

**Dated 24.08.2016**

**Between :**

V.M.Surgicals,  
C/o Tushar 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).

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1. This is an appeal filed under Clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004, against the orders dated 22.12.2015 of CGRF, Hubballi.

2. The authorised representative for the appellant Sri Tushar M Baddi has filed the appeal seeking the following reliefs :

- (a) to award compensation as per KERC (Standard of Performance) Regulations, 2004, Sl.No.14 @ Rs.50-00 per day on actual number of days delayed with cost ;
- (b) to direct the Respondent to strictly comply with the provisions of the KERC (Standard of Performance Regulations) 2004;

3. In addition, the appellant in his appeal memo has contended as follows:

- (a) Filed an application on 22.05.2012 along with the original receipts to the AEE seeking refund ;
- (b) Since no action was taken to refund, visited the office on 25.06.2013 to enquire about the same. The AEE suggested to submit the application in the prescribed format. Accordingly, on the same day refund application was submitted in the prescribed form. On 29.01.2014 refund was made by cheque;
- (c)The AEE should have informed the appellant to submit the original receipts for refund in the prescribed form when the appellant had made an application seeking refund on 22.05.2012.

4. Sri H.V.Devaraju, Advocate has filed vakalath for Respondent along with reply of for the AEE. The contentions are as follows :

- (a) The appellant had paid a sum of Rs.10,760-00 towards ASD and Rs.81,420-00 towards MSD on 18.09.2002. The installation MP 104507 was serviced on 06.10.2012 with 66 HP and was charged under LT-5.

- (b) According to MRT rating report No.2358 dated 4.11.2011 the installation is dismantled on 24.11.2011 and the final reading was 028353.4 ;
- (c) The consumer requested in his letter dated 22.05.2012 for adjusting the deposits of Rs.10,860-00 and Rs.81420-00 against the appellant's installation HT-262 ;
- (d) The appellant was orally informed to give acknowledgement for having returned the meter but he failed to give any acknowledgement. Hence letter was addressed on 20.04.2013 and 24.08.2013 to submit acknowledgement ;
- (e) A letter was addressed to the appellant on 27.03.2013 to submit the refund bill in the prescribed form for refund of deposit in respect of installation MP 8173 which is also in the name of the appellant ;
- (f) Refund bill in the prescribed form was submitted by the appellant on 28.6.2013 when he had visited the office ;
- (g) Letter was addressed to divisional office on 13.10.2013 seeking approval for refunding the amount to appellant;
- (h) Cheque number 634349 dated 24.01.2014 for Rs.84,903/- was sent to the appellant;
- (i) The CGRF has awarded compensation at Rs.50/- per day for delay in refunding the deposit in complaint No.185 and a proposal has been sent to divisional office on 08.01.2016 seeking approval to pay

compensation of Rs.7,650-00 for delay in refunding the deposit. Complaint No.185 and 186 filed by the appellant before the CGRF pertains to same installation. Hence a separate refunding does not arise in respect of complaint No.186.

5. The AEE in his statement before the CGRF has admitted that the appellant has submitted the application for the payment towards security deposits, submissions of original receipts on 22.05.2012. Further, the AEE has also stated before the CGRF due to 'Go Live' programme in the subdivision there was delay in refunding the advance security deposits and requested the Forum not to impose penalty as the issue pertains to one installation.

6. The CGRF has held that that the appellant has submitted the request in prescribed form along with 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.185, and rejected the other complaint in respect of No.186 which is also for the same installation.

7. 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.185 as compensation at the rate of Rs.50/- per day for delay in refund of advance security deposit, and prayed to dismiss the appeal. 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 should to have informed at the time when original receipts were submitted for refund and further argued that

there is no format in the Hand Book published by the HESCOM. The information was submitted in the prescribed format after collecting the format from some other Contractor.

8. The learned Advocate for the 1<sup>st</sup> respondent AEE again reiterated that the receipts submitted for refund for Rs.10,760-00 and Rs.81,470-00, and pertain to same installation. The CGRF has already awarded compensation in complaint No.185, and requested this Authority to dismiss the appeal.

9. 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.

10. 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. It is seen that the CGRF in their order dated 22.12.2015 have dealt and discussed the matter in detail and have passed the order as per prevalent norms.

11. 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**

Appeal is 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

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