

D-742

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/G-241/2016

Dated : 02.08.2016

M/s.Yesbee Valves Pvt. Ltd.,
C/o Tushar M.Baddi,
Near SBI, Keshwapur,
Hubballi

... Appellant

(By Sri Tushar M.Baddi, authorised representative)

V/S

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

(By Sri H.V.Devaraju, Advocate)

2. The Chairperson,
CGRF, HESCOM,
O&M Circle, Tabib Land,
Hubli-580020

1. This is an appeal under clause 21.02 of KERC (CGRF & Ombudsman)

Regulations, 2004 against the orders passed by CGRF, CESC, Hubballi (here in after referred to as the 2nd Respondent) dated 22.12.2015.

2. Comments were called vide letter dated 07.01.2016 from the respondent AEE and he has submitted the reply.

3. The facts of the case are that the installation of the appellant bearing RR No. MP 8727 was connected with 74.25 KW on 30.03.1989. The LT reading sub-division in its meter inspection report have stated that meter constant is considered at 30 instead of 20. This was brought to the notice of sub-division on 25.01.2007. The AEE on his own ought to have returned the excess amount collected, but has not taken any action. Hence, the appellant has represented to the AEE to refund the excess amount collected. Since there was no response has represented again on 03.07.2013 and also brought to the notice of the General Manager (Admn) and the Executive Engineer. It appears that there was some internal correspondence in the HESCOM and ultimately on 24.08.2013 the AEE has refunded the amount of Rs.99,847-00. Further, the CGRF has also ordered to refund the excess collection of Rs.21,541-00 for the period from October 2014 to December 2014. However, the claim for interest has been rejected.

4. The appellant is seeking interest on the delayed period as follows :

- (a) Bank rate of interest on excess revenue collected from September 2004 to March 2006 and also to return additional assessed amount of Rs.21,541-00 from October 2004 to December 2004 along with interest at 20% p.a..

(b) Interest at 2% per month as per Clause 29.08 (a) of Conditions of Supply for the delayed period i.e. 7 years 4 months, for refunding the excess revenue collected.

5. The Advocate for the 1st respondent has reiterated the contents in the reply submitted by the AEE to this Authority and argued there was no delay and the appellant is not entitled to any interest.

6. Regulation 29.08 of the Conditions of Supply states thus :

“29.08 Adjustment of erroneous Bills : (a) At any time during verification of the Consumer’s account, if any short claims caused by erroneous billing are noticed, the Consumer is liable to pay the difference. The Licensee shall follow the procedure laid down under Clause 29.03 in such cases for preferring supplemental claims. However, the Licensee shall not recover any arrears after a period of 2 years from the date when such sum became first due, unless such sum has been shown continuously in the bill as recoverable as arrears of the charges of electricity supplied.

In case the verification of the Consumer’s account shows excess claims made in the past, the excess amount shall be credited to the Consumer’s account along with the interest at Bank Rate from the date of payment up to the date of credit. This shall be done within one month from the date of pointing out the excess claims. If for any reason there is delay in crediting the amount to the consumer’s account interest at 2% per month shall be paid to the consumer for the period beyond two months.”

In the light of the above Regulation, the written and oral arguments submitted by the parties is considered. It is found that, no proper appraisal of the issue is made under the relevant norms by the respondent in assessing the delay caused and interest calculations. Hence the following order.

ORDER

The appeal is partly allowed. The case is remanded to the AEE to consider the request of the appellant afresh, as required under Regulation 29.08 and pass suitable order at the earliest.

Sd/-

(B.N. Krishnaiah)
Electricity Ombudsman

To :

1. Tushar M.Baddi, Near SBI, Keshwapur, Hubballi
2. Sri H.V.Devaraju, Advocate, No.39, Shop No.24, Mezzanine Floor, A.S.V.N.V.Bhavan, K.G.Road, Bengaluru – 560 009.
3. The Assistant Executive Engineer (EI), O & M, City sub-division, HESCOM, Industrial Estate, Gokul Road, Hubballi
4. The Superintending Engineer & Chairperson, CGRF, HESCOM, O&M Circle, Tabib Land, Hubli-580020
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
