

D-741

# 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-252/2016**

**Dated 02.08.2016**

M/s.B.G.K. Life Technology Pvt. Ltd.,  
Plot No.11, Green Food Park,  
Navanagar,  
Bagalkot

... Appellant

**(By Sri Raghunatha M.Padamukhe)**

1. The Assistant Executive Engineer(El)  
O & M City Sub-Division, (HESCOM)  
Navanagar,  
Bagalkot – 587 101

**(By Sri H.V.Devaraju, Advocate)**

2. The Chairperson,  
CGRF, HESCOM,  
Near Engineering College Circle,  
Vidyagiri,  
Bagalkot – 587 102

... 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, Huuballi, (hereinafter referred to as the 2nd Respondent) dated 20.02.2016.

2. Comments were called vide letter dated 17.03.2016 from the respondent AEE and he has submitted the reply vide letter dated 28.03.2016.

3. Both the appellants and the 1<sup>st</sup> respondent were informed vide letter dated 01.06.2016 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 facts of the case are that the appellant has submitted an application on 08.06.2015 to the AEE for a temporary connection. Accordingly, sanction was given for arranging power supply to 1 KW temporary installation on 17.06.2015 on self execution basis. Thereafter the appellant has obtained Certificate from the divisional office. The Deputy Electrical Inspector has granted licence on 28.09.2015. Thereafter vide letters dated 28.09.2015 and 28.10.2015 the appellant has requested the AEE to incorporate meter for energy audit in the distribution transformer. The AEE has sought clarification from the Executive Engineer, and the Executive Engineer has clarified that the cost towards the meter shall be borne by the appellant. The same was informed to the appellant on 11.11.2015. On 13.11.2015 the appellant has deposited an amount of Rs.12,639-00 and consequently the power supply was given on 16.11.2015. Again vide letter dated 18.11.2015, the appellant was clarified and informed by AEE saying that there was no delay caused and no provision for giving compensation.

5. The collection of Rs.12,639-00 towards metering and also issue of delay was questioned before the CGRF. The CGRF in their order dated 20.02.2016 upheld the proceedings of the AEE.

6. The authorised representative of the appellant has contended that it is the duty of the HESCOM to incorporate meter in the DTC for energy audit under Section 55 of the Indian Electricity Act and under Central Electricity Authority (installation and Operation of Meters) Regulations 2006. Hence, requested this Authority to set aside the orders of the CGRF and requested for refund of Rs.12,639-00 and also for compensation for the delay caused in giving the power supply.

7. Section 55 of the Indian Electricity Act, 2003, states thus :

*“Section 55. (Use, etc., of meters): - (1) No licensee shall supply electricity, after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with the regulations to be made in this behalf by the Authority:*

*Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter: Provided further that the State Commission may, by notification, extend the said period of two years for a class or classes of persons or for such area as may be specified in that notification.*

*(2) For proper accounting and audit in the generation, transmission and distribution or trading of electricity, the Authority may direct the installation of meters by a generating company or licensee at such stages of generation, transmission or distribution or trading of electricity and at such locations of generation, transmission or distribution or trading , as it may deem necessary”.*

8. Clause 6(3) of Central Electricity Authority (Installation and operation of Meters) Regulations 2006 states that *“Energy accounting and audit meters shall be owned by the generating company or licensee as the case may be”*.

9. The authorised representative in the CGRF in his statement has also quoted para 10 of Clause 9.7 of Conditions of Supply which states *“bulk check*

*meter shall be provided by the licensee at his cost for the purpose of energy audit for all buildings where power supply is sanctioned under the clause 9.00 where sanctioned load is 25 Kw more or built up area of the building more than 500 sq. mtrs”.*

10. The learned Advocate for the 1<sup>st</sup> respondent AEE has defended the collection of Rs. 12,639-00 is based on the clarification issued by the Additional Chief Secretary, Energy Department, Government of Karnataka vide letter No.EN/9/VSC/2014 dated 09.10.2014 to the effect that *“If the Distribution Transformer is commissioned by Consumer/Applicant under Self Execution/Deposition Contribution Works and Exclusively used by the consumer, then the cost of metering the Distribution Transformer shall be borne by the Consumer/Applicant”.*

11. On perusal of the written and oral submissions made and considering the relevant norms and directions, it is seen that no sufficient reasons are found to interfere with the order of CGRF. Hence, the following order.

### **ORDER**

The appeal is dismissed.

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

To

1. Sri Ranganatha M Padamukhe, Sector No.10, Site No.6-C, Navanagar, Bagalkot – 587 103
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(Ele), O & M City Sub-Division, HESCOM Navanagar, Bagalkot – 587 101.
4. The Superintending Engineer & Chairperson, CGRF, HESCOM, Near Engineering College Circle, Vidyagiri, Bagalkot – 587 102.
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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