

D-758

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-258/2016

Dated 02.09.2016

Sri Shamsuddin Chandu Bhai,
Shukravarpete, Savanur,
Haveri District.

... Appellant

(By Sri M.A.Delvi, Advocate)

1. The Assistant Executive Engineer (EI)
O & M sub-division, HESCOM
Savanur, Haveri District

2. The Chairperson, CGRF,
O/o the Superintending Engineer
O & M Circle, HESCOM,
P.B.Road, Neelanagoudar Complex,
HAVERI.

... Respondents

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

1. This is an appeal under clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by CGRF, Haveri, (hereinafter referred to as the 2nd Respondent) dated 31.03.2016.

2. Comments were called vide letter dated 25.04.2016 from the respondent AEE.

3. Both the appellants and the 1st respondent were informed vide letter dated 04.07.2016 regarding availability of sub-section 20(1) of KERC (CGRF & Ombudsman) Regulations, 2004.

4. The order of the CGRF is as follows :

೧. ಪೀಠಿಕೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಕಾರಣಗಳು ಹಾಗೂ ವಿಶ್ಲೇಷಣೆಯಿಂದ, ಗ್ರಾಹಕರು ತಮ್ಮ ಅರ್ಜಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಣೆ ಗುಣಮಟ್ಟದ ಯಾವ ನಿಯಮ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ ಎಂದು ತಿಳಿಸಿರುವುದಿಲ್ಲ.

೨. KERC (Consumer complaints handling procedure) Reg 2004 ನಿಯಮ 6.1ರ ಪ್ರಕಾರ ಪ್ರಾಥಮಿಕವಾಗಿ ಸವಣೂರ ಉಪ-ವಿಭಾಗಾಧಿಕಾರಿಯವರಿಗೆ ದೂರು ಅರ್ಜಿಯನ್ನು ದಾಖಲಿಸಬೇಕು. ಸದರಿಯವರು ನಿಯಮಾನುಸಾರ 90 ದಿವಸಗಳಲ್ಲಿ ಆದೇಶ ಹೊರಡಿಸಬೇಕು. ಸದರಿ ಆದೇಶದ ಮೇಲೆ ಅವಶ್ಯಕತೆವಿದ್ದರೆ ಮಾತ್ರ ಗ್ರಾಹಕರು ಈ ವೇದಿಕೆಗೆ ಅರ್ಜಿಯನ್ನು ದಾಖಲಿಸಬಹುದು.

5. The contentions of the appellant as per the grounds and prayer in the appeal are as follows :

(a) That admittedly the domestic installation bearing RR No.SN 32694 was running in the name of Sri Z.A.Farash. The notice extending threat of disconnection dated 17.03.2009 was issued in the name of the complainant. The respondent No.1 herein proceeded with impunity in utter disregard to all legal norms and disconnected the residential installation. This illegality should not be allowed to go unpunished;

(b) That the respondents have all along shown scant regard to the rules and regulations. The disconnection was effected for no reason at all. All the claims were rendered time barred by the negligent attitude on the part of the Licensee. But yet proceeded to effect disconnection in

utter regard to Clause 56(2) of Electricity Act and also provisions of the Conditions of Supply of Electricity;

- (c) The complainant as a final recourse to consider his grievance represented to the Licensee on 18.12.2015 and 26.12.105. Since the Licensee did not act upon the representation and hence, very correctly a complaint was filed before the Consumer Grievances Redressal Forum. The complaint was in accord with the provisions of Clause 6.1 of KERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations 2004;
- (d) The rejection of the complaint by the Consumer Grievances Redressal Forum dated 31.03.2016 on untenable and frivolous grounds calls for serious observations by this Authority as the same defeats the very purpose and concept of setting up such Forum. The order being perverse is liable to be set aside;
- (e) Set aside the order of the Consumer Grievances Redressal Forum dated 31.03.2016;
- (f) Order restoration of the services to R No. SN 32694 forthwith;
- (g) Grant damages for the period the installation SN 32694 was under illegal disconnection.

6. Sri H.V.Devaraju, the learned Advocate for the respondent AEE has filed the vakalath. He has urged that in view of the orders of the CGRF the appellant should have approached the AEE as required under KERC (Complaints Handling Procedure) Regulations, 2004 and sought relief. Instead he has come before the Authority and hence urged to dismiss the appeal.

7. The Advocate for the appellant submitted that the AEE has initiated action in this case in violation of Section 56(2) of Indian Electricity Act, 2003,

and Regulation 4.09 of Conditions of Supply. Hence pleads to set aside the order of CGRF. In addition requested for restoration of the power supply. Considering the plea of the appellant, the Authority vide communication dated 25.04.2016 has already ordered to restore the power connection till the disposal of the proceedings in this case in respect of the said installation RR No. SN 32694.

8. Considered the oral and written arguments made by both the parties. It is seen that the appellant has represented to the AEE on 15.12.2015 and 26.12.2015 for relief and the same is pending for orders before the Respondent AEE. Hence the following order.

ORDER

The appeal is partly allowed. The matter is remanded back to AEE to examine the request already made by the appellant and hear his plea by giving reasonable opportunity of time and pass orders as per prevalent rules, at the earliest.

However, the directions issued by this Authority in respect of the said installation RR No.SN 32694 vide letter dated 25.04.2016 will continue till the proceedings are completed and final orders are passed by the respondent AEE.

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

To

1. Sri M.A.Delvi, Advocate, No.8, 3rd Cross, Pottery Town, Bengaluru – 560 046
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 Savanur, Haveri District
4. The Chairperson, CGRF, O/o the Superintending Engineer, O & M Circle, HESCOM, P.B.Road, Neelanagoudar Complex, HAVERI.
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
