

BEFORE THE ELECTRICITY OMBUDSMAN

No.16 C-1, Miller Tank Bed Area (Behind Jain Hospital)
Vasanthanagar, Bengaluru-560052.

Present: S.S Pattanashetti,
Electricity Ombudsman,
Case No. OMB/H/G-115-A/2011
Dated 07-06-2019

In the matter of

Dr. V.M Kerudi,
“Shivayogi Nilaya”,
Ashoka Circle, Kerudi Complex,
Ranebennur-581115,
Haveri District. -

Appellant/Complainant

Vs

The Assistant Executive Engineer (Electrical),
O & M Sub-Division-1, HESCOM,
P.B Road,
Ranebennur-581115.
District-Haveri. -

Respondent

1. This Authority in pursuance of the order of Hon'ble High Court of Karnataka, in W.P No. 27065-66/2012 and W.P No.109357-109358/2017 in case No. OMB/H/G-115/2011 filed by Dr. V.M. Kerudi and Shri S.V Kerudi disposed of the Appeal on 16-10-2018 challenging the order of the CGRF-Haveri District directing the Respondent “ to treat ‘D’ Block as separate and refund excess amounts already paid by the complainant alongwith applicable interest upto and inclusive of date of refund by way of cheque”.
2. On 03-12-2018, 01-01-2019 and 23-02-2019 Dr.V.M.Kerudi filed a complaint regarding non-compliance of the order passed by this authority on 16-10-2018. A notice was sent to General Manager (Tech.) HESCOM, Hubballi and Assistant Executive Engineer,

HESCOM, O & M Sub-Division, Ranebennur to be present before this authority on 27-03-2019 to hear the complaint of Dr. V.M. Kerudi.

3. The case was finally taken up for hearing on 26-04-2019. Dr.V.M Kerudi, the Complainant submitted calculation sheet of the amount to be paid to him which is Rs 9,04,235/-. The details are as follows:

- 1) As per petitioner prayer, excess collected amount Rs 15,750/-, Rs 1,17,000/- and Rs 1,17,000/- totaling to Rs 2,39,750/- with interest and with SoP & cost to be paid;
- 2) AEE-HESCOM while paying amount fixed the date as on dated 22-01-2019 & calculated;
- 3) Petitioner calculation as per department dated 22-01-2019
 - a) 1st case Rs 15,750/- (dt.5.3.2002 to 22-1-2019) = Rs 63,335/-
 - b) 2nd case Rs 1,17,000/-(dt.16-12-2008 to 22.01.2019) = Rs.2,79,857/-;
 - c) 3rd case Rs. 1,17,000/-(dt.21-11-2009 to 22-01-2019) = Rs 2,53,700/-;
 - d) Totalling = Rs 5,96,892/-
- 4) Partial paid amount to petitioner = Rs 3,52,907/-
- 5) Balance amount to be paid to petitioner = Rs 2,43,985/-
- 6) Petitioner calculation as per SoP i.e., KERC Regulation 2004 (compensation as per section 57/2 El.Act.2003)
 - a) 1st case Rs 15,750/- = Rs 3,03,835/-
 - b) 2nd case Rs 1,17,000/- = Rs 1,84,450/-
 - c) 3rd case Rs 1,17,000/- = Rs 1,64,450/-
 - d) Total amount = Rs 6,60,250/-

- 7) Total amount to be received by petitioner as below:
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|--|------------------------|
| a) Balance amount to be paid to petitioner | = Rs 2,43,985/- |
| b) Total amount from S.o.P | = Rs 6,60,250/- |
| c) Totaling | = Rs 9,04,235/- |
4. The calculation sheet filed by the complainant was served on the Respondent/Assistant Executive Engineer –Ranebennur directing him to file his counter to this calculation. The Respondent/Assistant Executive Engineer at the time of hearing mentioned that an amount of Rs 3,52,907/- has already been paid to the complainant.
5. The Respondent/ Assistant Executive Engineer – Ranebenenur responding to the calculation sheet filed by Dr. V.M Kerudi in his letter dated 02-05-2019 has said that, Karnataka Electricity Regulatory Commission 2004, Standards of Performance (SoP) is not applicable on development charges, the SoP is applicable only on Security Deposits. Total amount already refunded to the complainant is Rs 3,52,907/-, and there is no excess amount refundable.
6. After hearing the arguments putforth by both the parties and the records submitted by them, the amount to be refunded by the Respondent to the complainant alongwith interest works out as follows:
- | | |
|--|------------------------|
| a) 1 st case excess development charges collected | Rs 15,750/-+ |
| (interest from 5.3.2002 to 22-1-2019) | = Rs 63,335/- |
| b) 2 nd case excess development charges collected | Rs 1,17,000/-+ |
| (interest from 16-12-2008 to 22.01.2019) | = Rs.2,79,857/- |
| c) 3 rd case excess development charges collected | Rs. 1,17,000/-+ |
| (interest from 21-11-2009 to 22-01-2019) | = Rs 2,53,700/- |
| d) Total | = Rs 5,96,892/- |

7. Out of this amount Rs 3,52,907/- has already been paid by the Respondent through two (2) cheques. The Respondent has to pay the balance of Rs 2,43,985/-.
8. As regard to the claim of the complainant regarding payment of compensation. The Regulations governing this claim is Karnataka Electricity Regulatory Commission (Licensees Standards of Performance) Regulations 2004. As per these Regulations Schedule-I at Sl.No.14 refers to refund of deposits. As per this clause if the licensee does not refund the deposits paid by the consumer within 60 days after receipt of request, then the consumer is entitled for compensation of Rs 50/- for each day of delay. In the present case the amount collected from the consumer is development charge towards giving service to the installation of the consumer. This is not a deposit paid by the consumer but only a development charge collected to meet the infrastructure, material and incidental charges, which the licensee incurs for giving connection to installation of the consumer. Development charge does not come under the definition of “deposits”. Hence, the complainant is not entitled for compensation as per Standards of Performance (SoP). Hence, the following order:

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Dated 07-06-2019

O R D E R

- 1) The Respondent is directed to pay the balance amount of Rs 2,43,985/- being the excess development charges collected from the Consumer with interest after deducting the partial amount of Rs 3,52,907/- paid by the Respondent;

- 2) The claim of the complainant with regard to compensation to be paid to him as per Standards of Performance Regulations is rejected.

(S.S Pattanashetti)
Electricity Ombudsman.

- 1) Dr. V.M Kerudi,
“Shivayogi Nilaya”,
Ashoka Circle,
Kerudi Complex,
Ranebennur-581115,
Haveri District.
- 2) The Assistant Executive Engineer (Electrical),
O & M Sub-Division-1, HESCOM,
P.B Road,
Ranebennur-581115.
Haveri District.
- 3) The Chairman, CGRF, Haveri District,
Office of the Superintendent Engineer (Elec.)
O & M Circle, HESCOM Shivaganga Layout,
Kusugal Road, Hubballi.
- 4) PS to Hon’ble Chairman, KERC
- 5) PS to Hon’ble Member (M), KERC
- 6) PS to Hon’ble Member (R), KERC
- 7) PS to Secretary, KERC.
- 8) Chairperson of all CGRFs in the State.

