

Before the Ombudsman, KERC, Bangalore
Present: Shaik Ahmed, Ombudsman
Case No. OMB/H/G-3/2005/1852
Dated 08.12.2005

Petitioner:

Shri A.R.Dani,
Proprietor,
Dani Alloy Foundries,
Spl.pl.No.14, Incl. Estate,
1st Gate, Gokul Road,
Hubli 30.

Respondents:

- 1) Consumer Grievance & Redressal Forum
HESCOM, Hubli.
- 2) Asst. Executive Engineer (Elec.)
CESB-W, HESCOM, Hour, Hubli.

Shri. A.R.Dani, the Petitioner, has preferred an appeal on 8.8.2005 against the order passed by the Respondent on 16.04.2005. The appeal against the impugned order is preferred after a lapse of 113 days. The Petitioner, submits that he did not receive the copy of the impugned order in time and hence there was a delay of 83 days for preferring the appeal. He therefore submits to condone the delay and entertain the petition. For the reasons indicated by the Petitioner, the delay of 83 days in preferring the appeal is condoned and the appeal is entertained as provided in proviso below clause 21.2 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004.

The Petitioner during the course of hearing has submitted that the Respondent-I has considered most of his grievances except the following ones.

- (a) Withdrawal of demand of Rs.45,791.00.
- (b) Reduction of load.
- (c) Withdrawal of the disputed demand of Rs.2,91,175.00 + the interest thereon.

He has further submitted that Respondent-II has not provided the relief granted by the Respondent-I.

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1) Withdrawal of demand of Rs.45,791.00:

The Respondent-II has preferred a claim of Rs.45,791.00 as back billing charges for the months of June and July, 1999 in respect of the industrial installation bearing RR No. MP-8761/P10/41 provided to the Petitioner. The Petitioner contends that the demand of Rs.45,791.00 is based on the excess unauthorized load alleged to have been detected during the above period. According to him the sanctioned load for his installation is of 97 HP and the connected load too is the same capacity as per the letter dt. 7.5.99 issued by the AEE (Elec.) L.T.Meter Rating sub-division, KEB, Hubli. Hence, there was no excess unauthorized load and therefore, the claim of Rs.45,791.00 is not correct and needs to be withdrawn.

The Respondent-II has informed that the meter readings have established that there was an unauthorized excess load of 28.18 HP and 31.4 HP during the months of June & July, 1999 respectively. Hence, the back billing charges of Rs.45,791.00 is in order as the same was preferred as per KEB (Electricity Supply) Regulations 1988. The Respondent-I after considering the facts put forth by Respondent-II has rejected the request of the Petitioner for the withdrawal of the above demand.

2) Reduction of load:

The Petitioner contends that his request for reduction of load has not been reckoned with the relevant date i.e., after the expiry of 60 days from the date of his application. The application of the Petitioner for reduction of load is registered on 8.7.99 and the reduction of load is given effect to from 5.11.99. The Respondent-I has ordered that the date of reduction of load is in order. Admittedly, the application of the Petitioner for reduction of load is registered on 8.7.99. As per clause 44.01 of the KEB (ESR) 1988, the reduction of load becomes effective after the expiry of 60 days from the date of registration of the application. In the instant case, the reduction of load should be given effect from 7.9.99 and not from 5.11.99.

3) Withdrawal of the disputed demand of Rs.2,91,175.00 + interest thereon:

As regards the disputed demand of Rs.2,91,175.00 the Petitioner submits that a sum of Rs.1,59,000.00 has been adjusted as per the orders of the appropriate authority leaving a balance of Rs.1,32,175.00. He urges for the withdrawal of the remaining disputed demand. The Respondent-II has informed that the matter is before the Electrical Inspectorate. The Petitioner also admits that he has approached the Electrical Inspectorate seeking relief in this regard.

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I have gone through all the relevant records placed before me. The meter readings for the months of June and July, 1999 have established that there was an unauthorized excess load of 28.18 HP & 31.4 HP during the months of June & July 1999. The contention of the Petitioner that there was no excess unauthorized load is therefore not correct. The KEB (ESR) Regulations 1988 provide for charging the unauthorized excess load. I have gone through the decision of Chief Engineer & Chief Executive Officer (II Appellate Authority), Hubli, vide his order No.CEH/CAH/A-11/30941-44 dt. 16.02.2001 regarding the back billing charges on account of excess unauthorized load determined in the same installation during previous occasion. For an excess unauthorized load of 8 HP recorded during 1998 the learned II Appellate Authority has ordered to charge the excess authorized load at the rate applicable to the sanctioned load. In the instant case, the load detected was 124.66 HP during June,1999 & 127.88 HP during July, 1999 as against the sanctioned load of 97HP. The Respondent-II has preferred the back billing at the rate applicable to the recorded load (i.e., 124.66 HP & 127.88 HP). It is just and proper that the excess unauthorized load be billed at the rate applicable to the sanctioned load (97 HP) as ruled by the learned II appellate authority during 1998 in respect of the same installation.

As regards the reduction of load the application of the Petitioner is registered on 8.7.1999. As per clause 44.01 of the KEB (ESR) 1988, the reduction of load takes effect after the expiry of 60 days from the date of registration of application. The reduction of load should be given effect from 7.9.99 and not from 5.11.99 as held by the Respondent-I.

ORDER

In the circumstances explained above, the order of the Respondent-I, with regard to back billing demand of Rs.45,791.00 is set aside. The Respondent-II is directed to revise the demand by charging the excess unauthorized load detected during the months of June & July, 1999 at the rate applicable to the sanctioned load i.e., 97 HP.

The decision of the Respondent-II with regard to the reduction of load is also set aside. The date of reduction of load shall be given effect from 7.9.1999.

No orders with regards to withdrawal disputed demand of Rs.1,32,175.00 as the matter is before the Electrical Inspectorate which is the competent authority.

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Further, the Respondent-II, is directed to provide all other relief granted by Respondent-I, to the Petitioner without further delay.

Shaik Ahmed
Ombudsman.

Copy to:

- 1) Shri A.R.Dani, Proprietor, Dani Alloy Foundries, Spl.pl.No.14, Indl. Estate, Ist Gate, Gokul Road, Hubli - 30.
- 2) The Consumer Grievance & Redressel Forum, HESCOM, Hubli.
- 3) The Executive Engineer (Elec.) O & M Division, HESCOM, Hubli.
- 4) The Asst. Executive Engineer (Elec.), CESB-W, HESCOM, Hour, Hubli for necessary action.

P.S. to Chairman/ P.S. to Member-I/ P.S. to Member-T/ Consultant (Consumer Advocacy).

