

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/G/G-320/2019
Dated 03-04-2019

In the matter of

Shri Mohammed Rafik,
No.13-3-88, S.Choudhari Complex,
Near Teen Khandeel circle,
Raichur-584101.

Represented by:

Shri S. Mehboob,
No.13-2-2/195, Arjunappa Colony,
Yeramaras Camp,
Raichur-584135.

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Appellant

Vs

- 1) The Assistant Executive Engineer (Electrical),
O & M Urban Sub-Division-2, GESCOM,
Raichur.
- 2) The Chairman/Members,
Consumer Grievance Redressal Forum,
Raichur District, GESCOM,
Raichur

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Respondents

1. This Application/Complaint is filed by Shri Mohammed Rafik (Appellant/Complainant), under the provisions of Clause 21.2 of the KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, in Form 'B' challenging the order passed by CGRF, bearing No. ಅಅ(ವಿ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6512-20 ದಿನಾಂಕ 14-02-2019, before this Authority, by inter-alia seeking the following reliefs:

- a) To withdraw excess fixed charges claimed and to refund;
 - b) To withdraw bill for Rs 10,584/- and to issue correct bill;
 - c) To impose penalty of Rs 50/- per day for not furnishing details and for not issuing the bill.
2. Brief facts, which are relevant to the case as claimed by the Appellant/complainant, are as follows:
- a) For installation bearing R.R No. 36686, Rs 10,584/- included in the energy bill for the month of April 2018 is without notice and without details mentioned. He further says that fixed charges are claimed erroneously.
 - b) It is further alleged that the Respondent-2 herein, has disposed of the complaint vide order No. ಅಅ(ವಿ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6512-20 ದಿನಾಂಕ 14-02-2019, without recording the hearing of the consumer.
3. Both the parties were informed vide this office letter No. OMB/G/ G-320/2019/D-1209 dated 05-03-2019, regarding the availability of provisions in Sub-Regulation 1 of Regulation 20 of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement through conciliation and mediation and to appear before this Authority on 19-03-2019. However, they have not availed the benefit of the said provision. The case was heard on 19-03-2019 and 03-04-2019.
4. During the course of hearing, I have perused the documents filed by the Appellant/complainant and it is found that there are certain irregularities and lacuna in the order dated 14-02-2019 passed by the CGRF, and noticed that only chairperson has put his signature and passed the order without the signature of the Members of CGRF. As per KERC (CGRF & Ombudsman) Regulations, 2004, Clause 8.3, all the Members and Chairperson of CGRF conducting the proceeding of

hearing have to sign the order passed by it. From a perusal of the CGRF order dated 14-02-2019, it is observed that 2 (two) members of the CGRF were present during the hearing of the case, but they have not signed the order, as required under Clause 8.3 of the KERC (CGRF & Ombudsman) Regulations, 2004. This is a serious lapse and lacuna in the CGRF order.

5. For the foregoing reasons, I proceed to pass the following orders:

No. OMB/G/G-320/2019/D-

Dated 03-04-2019

O R D E R

The order of CGRF-Raichur District bearing No. ಅಅ(ವಿ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6512-20 ದಿನಾಂಕ 14-02-2019 is set aside and the matter is remanded back to CGRF to hold a fresh hearing strictly in accordance with the KERC (CGRF & Ombudsman) Regulations, 2004.

Sd/-

(S.S Pattanashetti)
Electricity Ombudsman.

- 1) Shri Mohammed Rafik,
No.13-3-88, S.Choudhari Complex,
Near Teen Khandeel circle,
Raichur-584101.
- 2) Shri S. Mehboob,
No.13-2-2/195, Arjunappa Colony,
Yeramaras Camp,
Raichur-584135.
- 3) The Assistant Executive Engineer (Electrical),
O & M Urban Sub-Division-2, GESCOM,
Raichur.

- 4) The Chairman,
Consumer Grievance Redressal Forum,
Raichur District,
Superintending Engineer, GESCOM,
Raichur.
- 5) PS to Hon'ble Chairman, KERC
- 6) PS to Hon'ble Member (A), KERC
- 7) PS to Hon'ble Member (M), KERC
- 8) PS to Secretary, KERC.
- 9) Chairpersons of all CGRFs in the State.

