

**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-326/2019**  
**Dated 03-04-2019**

In the matter of

Smt. Mahadevamma W/o  
K.Srinivas,  
C/o Promod Filling Station,  
Mittimalkapur Village,  
Taluk & District: Raichur

Represented by:

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

Appellant

Vs

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

Respondents

1. This Application/Complaint is filed by Smt. Mahadevamma (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, Raichur District bearing No. ಅಅ(ವಿ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/ 2018-19/6468-75 ದಿನಾಂಕ 14-02-2019, before this Authority, by inter-

alia seeking relief to impose penalty of Rs 200/- per day as per Standards of Performance (SoP) for not providing electricity power supply, even after 4 months of applying for Registration.

2. Brief facts, which are relevant to the case as claimed by the Appellant/Complainant, are as follows:

a) It is alleged that electricity power supply to the Petrol Bunk, has not been provided even after applying for Registration for more than 4 months.

b) It is further alleged that the Respondent-2 herein, has disposed of the complaint vide order No. ಅಅ(ವಿ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6468-75 ದಿನಾಂಕ 14-02-2019, by stating that delay has occurred due to technical, economical and safety reasons and not intentionally.

3. Both the parties were informed vide this office letter No. OMB/G/ G-326/2019/D-1217 dated 12-03-2019, 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 22-03-2019. However, they have not availed the benefit of the said provision. For administrative reason the case was postponed to 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-326/2019/D-**

**Dated 03-04-2019**

**O R D E R**

The order of CGRF-Raichur District bearing No. ಅಅ(ಎ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6468-75 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.

(S.S Pattanashetti)  
Electricity Ombudsman.

- 1) Smt. Mahadevamma,  
W/o K.Srinivas,  
c/o Promod Filling Station,  
Mittimalkapur village,  
Tq: & Dist. Raichur.
- 2) Shri S. Mehboob,  
No.13-2-2/195, Arjunappa Colony,  
Yeramaras Camp,  
Raichur-584135.

- 3) The Assistant Executive Engineer (Electrical),  
O & M Rural Sub-Division, 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.

To:

Shri Noorahmed M. Annigeri,  
R/o Plot No.13,  
New Gabbur,  
P.B Road,  
Hubballi.

To:

Shri Tushar M. Baddi,  
Advocate,  
“Arihant Park”,  
Keshwapur,  
Hubballi-580023.

To:

The Assistant Executive Engineer (Electrical),  
City Sub-Division-2, HESCOM,  
Behind New English School,  
Old Hubballi.

To:

The Chairman,  
CGRF, Dharwad District,  
Superintending Engineer (Ele.)  
HESCOM, Keshwapura,  
Shivaganganagar Layout,  
Hubballi-580023.

The Appellant/Complainant is a registered consumer, who has established an industrial unit in the year December 2013, with power installation license from HESCOM with LT installation bearing R.R.No. MP 226888 with sanctioned load of 20HP under LT-5(Industrial Tariff) with CT Ratio 50/5, Meter Constant K10 LT Rating. A.E inspected this installation and submitted report No.1234 dated 17-05-2017, wherein he mentioned that the Meter constant for this installation is K10, whereas in the Electricity Bill issued to the Consumer it has been mentioned as K10. The installation connection was checked from the date of power connection and it was found that

from December 2013 to August 2014 period the Meter Constant has been taken as K3 and for the period from September 2014 to May 2017 the Meter constant has been taken as K1. A notice was issued to the Consumer on 01-08-2017 enclosing the calculation sheet and asking the consumer to pay back billing charges of Rs 1,54,446/-. The consumer filed his objection dated 05-09-2017 to the Back Billing Charges through his Representative. A hearing was conducted on 22-11-2017 in the presence of A.E Meter Rating Sub-division, HESCOM and Representative of the Consumer. The Representative of the Consumer was made aware that due to oversight the meter constant was taken as 3 for the period from December 2013 to August 2014 and K1 instead of K10 for the period from September 2014 to May 2017.

The procedure for adjustment of erroneous bills is contained in clause 29.08 of Conditions of Supply of Electricity of distribution licensees in the State of Karnataka which reads as follows:

“a) at any time during verification of the Consumer’s account, if any short claims caused by erroneous billing are noticed, the Consumer is liable to pay the difference. The Licensee shall follow the procedure laid down under clause 29.03 in such cases for preferring the supplemental claims. However, the Licensee shall not recover any arrears after a period of 2 years from the date when such sum became first due, unless such sum has been shown continuously in the bill as recoverable as arrears of the charges of electricity supplied.

In case the verification of the Consumer’s account shows excess claims made in the past, the excess amount shall be credited to the Consumer’s account along with the interest at Bank Rate from the date of payment upto the date of credit. This shall be done within one month from the date of pointing out the excess claims. If for any reason there is delay in crediting the amount to the Consumer’s account, interest at 2% per month shall be paid to the Consumer for the period beyond two months”.

b) when the difference is payable by the Consumer, claims shall be made by a separate supplemental bill furnishing all the relevant details with a 15 days notice as indicated in Clause 29.03”.

The procedure laid down under clause 29.03 of the same Conditions of Supply of Electricity of distribution licensees is reproduced below:

“Supplemental claims: For preferring the supplemental claims, the Licensee shall serve a provisional Assessment order with 15 days’ notice to the Consumer to file his objections, if any, against the provisional Assessment order on account of faulty meter or short claims caused due to erroneous billing and obtain his reply. After considering the objections of the Consumer, the Licensee shall issue the final order. The consumer shall be intimated to make the payment within 15 days of the date of intimation, failing which, the power supply to the installation shall be disconnected and such amount shall be deemed to be arrears of electricity charges. The Licensee shall indicate in the final order, the provisions of K.E.R.C (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004”.

From the records submitted by both the parties before this authority at the time of hearing, it is observed that Provisional Assessment Order with 15 days notice to the consumer to file his objections, if any, against the Provisional Assessment Order on account of short claims caused due to erroneous billing has not been followed. The Respondent-1 has not followed the prescribed procedure for preparing supplemental bill as enshrined in the law to that effect. There is a legal flaw in the final order issued by the Assistant Executive Engineer/Respondent-1.

Respondent-2/CGRF without taken into account the above lapses has rejected the complaint of the Appellant/Complainant on 24-11-2018.



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

**No. OMB/H/G-311/2018/D-**

**Dated 25/03/2019**

**O R D E R**

- (1) The matter is reminded back to Respondent-1 to strictly follow the procedure laid down in Clause 29.03 of Conditions of Supply of Electricity and pass the proper speaking order;
- (2) The order of CGRF-Dharwad District bearing No. ಅಇಂ(ಎ) ಉಲೆನಿ /ಹಿಸ-1/ಗ್ರಾಕುಂನಿವೇ/ಕಡತ-237/ಸಿವೈಎಸ್-1102 ದಿನಾಂಕ 24-11-2018 is quashed.

To:  
**Smt. Mahadevamma**  
**W/o K.Srinivas,**  
**C/o Promod Filling Station,**  
**Mittimalkapur Village,**  
**Taluk & District: Raichur**

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

To:  
**The Assistant Executive Engineer (Electrical),**  
**O & M Rural Sub-Division,**  
**GESCOM,**  
**Raichur-584101.**

To:  
**The Chairman,**  
**Consumer Grievance Redressal Forum,**  
**Superintending Engineer, GESCOM,**  
**Basaveshwara Circle,**  
**Opp. LIC Office,**  
**Raichur-584101.**

To:  
**Shri Mohammed Rafik,**  
**No.13-3-88, S. Choudhari Complex,**  
**Near Teen Khandeel Circle,**  
**Raichur-584101.**

To:  
**The Assistant Executive Engineer (Electrical),**  
**O & M Urban Sub-Division-2,**  
**GESCOM,**  
**Raichur-584101**