

**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-329/2019**  
**Dated 03-04-2019**

In the matter of

Shri Thirupathi,  
S/o Amarappa Hosalli,  
No.44-100/30-A, Yeragera Layout,  
Mangalwarpet, Raichur-584101.

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 Urban Sub-Division-1, GESCOM,  
Raichur.
- 2) The Chairman/Members,  
Consumer Grievance Redressal Forum,  
Raichur District, GESCOM,  
Raichur

Respondents

1. This Application/Complaint is filed by Shri Thirupathi (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(ಎ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6450-58 ದಿನಾಂಕ 14-02-2019, before this Authority, by inter-alia seeking to consider permanent disconnection with effect from 03-08-2005 instead of 01-12-2012 as ordered by the CGRF- Raichur District.

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

- a) It is stated that the Appellant has obtained LT-3, 4 Meters for the use of his shops meant for rental purpose. Due to non-availability of tenants, he has paid electricity bill for one year and the shops were remained vacant and thereby he has faced financial crisis, due to this he intended to convert the shops into a residential house. In this regard, an application for disconnection of R.R bearing Nos. 44502, 46503 and 46504, was filed on 03-08-2005 before the concerned Authority. It is further stated that the AEE (Ele) Urban Sub-division-1, GESCOM, Raichur has removed 3 Meters and provided only 1 Meter of LT-2 for domestic purpose. It is further alleged that though meters were removed Fixed Charges were continued, for the said reasons he has made request before the CGRF for permanent disconnection of the meters with effect from 03.08.2005.
- b) It is further alleged that the Respondent-2 herein, contrary to his request has disposed of the complaint vide order No. ಅಅ(ಎ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6450-58 ದಿನಾಂಕ 14-02-2019, to effect permanent disconnection w.e.f. 01-12-2012, without recording the hearing of the consumer.

3. Both the parties were informed vide this office letter No. OMB/G/ G-329/2019/D-1220 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. Due to administrative reason the case was postponed to 03-04-2019.
4. On 03-04-2019 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 order:

**O R D E R**

The order of CGRF-Raichur District bearing No. ಅಅ(ಎ)ಉಲೆನಿ/ಲೆಅ/ ಸಲೆಅ/ಹಿಆಸ/2018-19/6450-58 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 Thirupathi S/o Amarappa Hosalli,  
No.44-100/30-A, Yeragera Layout,  
Mangalwarpet, Zahirabad  
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-1, 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 (M), KERC
- 7) PS to Hon'ble Member (R), KERC
- 8) PS to Secretary, KERC.
- 9) Chairperson of all CGRFs in the State.

