

**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-330/2019**  
**Dated 03-04-2019**

In the matter of

Shri Somasrinivasa Gouda,  
C/o Laxmi Bar & Restaurant,  
Station Road,  
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-1, 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 Somasrinivasa Gouda (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/2018-19/6503-11 ದಿನಾಂಕ 14-02-2019, before this Authority, by inter-alia seeking to withdraw back billing charges as claimed and calculated

without considering correct average units. Compensation as per Standards of Performance (SoP).

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. HTR 147, Rs 1,23,108/- as Back Billing Charges (BBC) included in the bill without issuing final assessment order.
  - b) It is further alleged that the Respondent-2 herein, has disposed of the complaint vide order No. ಅಅ(ಎ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6503-11 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-330/2019/D-1231 dated 20-03-2019, 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 03-04-2019. However, they have not availed the benefit of the said provision. The case was heard on 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 order:

**No. OMB/G/G-330/2019/D-**

**Dated 03-04-2019**

**O R D E R**

The order of CGRF-Raichur District bearing No. ಅಅ(ಎ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6503-11 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 Somasrinivasa Gouda,  
C/o Laxmi Bar & Restaurant,  
Station Road,  
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.

