

BEFORE THE ELECTRICITY OMBUDSMAN

No. 16 C-1, Miller Tank Bed Area
Vasanthnagar, Bengaluru-560 052.

Present: S.S. Pattanashetti
Electricity Ombudsman

Case No. OMB/H/G-302/2018

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1. Sri Raghavendra V. Malaskar
C/o Tushar M.Baddi,
"Arihant Park"
Keshwapur,
Hubballi-580023. :Appellant

VS

2. Assistant Executive Engineer,
O & M City Sub-Division No.1,
HESCOM, Shivaganga Layout, Kusuagal Road,
Hubballi-580024

3. Chairperson, CGRF,
Office of The Superintendent Engineer (Ele)
O & M Circle, HESCOM,
Shivaganga Layout, Kusuagal Road,
Hubballi,
Dharwad District. :Respondents.

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This is an Appeal filed under Regulation 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the order of CGRF,

HESCOM, Dharwad District, (herein after referred to as the 2nd Respondent, in **case No:ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾ.ಕುಂ.ಕೊ.ನಿ.ವೇ/ಕಡತ-235/cys-848 dated: 29-09-2018.**

The appellant has prayed to call for records, set aside the impugned order of the CGRF, to direct the respondent/s to strictly comply with the provisions of the KERC Regulations and Electricity Act specified there under, to award cost as this Authority deems fit in the interest of justice and equity, to grant interim order against disconnection of installation in question, permission may be granted to file the appeal before the competent Authority as per the provisions of the Electricity Act and the Conditions of Supply and its amendments made there under or pass any other orders as this Hon'ble Authority deems fit and proper in the nature and circumstances of the case, in the interest of justice and equity and also to issue ad-interim direction to the Respondent No.1 not to disconnect power supply till the final disposal of the appeal, in the interest of justice and equity.

Both the Parties were informed vide letter No. OMB/H/G-302/2018/D-1134 dated: 05-11-2018 regarding availability of provisions in Sub-Regulation 1 of Regulation 20 of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement through conciliation and mediation and to intimate the Ombudsman at the time of hearing on 15-11-2018. However, they have not availed the benefit of the said provision.

On the email request of the representative of the appellant hearing was postponed from 15.11.2018 to 19.11.2018. The case was taken up for hearing on 19-11-2018. Appellant's representative and respondent-1, AEE, City Sub-Division-1, HESCOM, Hubballi were both present. Both of them submitted a letter stating that they have jointly come to the conclusion to settle the claims according to the normal tariff as prescribed under commercial tariff order approved by the Hon'ble Commission instead of twice the normal tariff.

Brief facts of the case are as under.

Installation bearing RR No.6016 A stands in the name of the appellant Raghavendra.V.Malaskar. It was serviced under LT-2(a) tariff schedule. This installation is located in the house occupied by the appellant for residential purpose. A portion of the said premises is being used for goldsmith activity by the appellant. The AEE(Ele) O&M City Sub-Division-1, Hubballi, i.e. respondent issued a bill in the month of September 2017 for Rs.26,988/- for alleged misuse of tariff from LT-2(a) (Domestic) to LT-3 (Commercial). The contention of the appellant is that in domestic installation, where a portion of the said premises is used for goldsmith activity, such activity is permitted in terms of TARIFF SCHEDULE LT-2(a). The AEE(Ele) has failed to follow clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka while preferring the supplementary claims. No provisional assessment orders were passed nor copy of the mahazar in terms of clause 42.06(e) of Conditions of Supply drawn or

supplied to the appellant. When the appellant approached the licensee questioning the impugned claims, he was asked to pay 50% of the assessed amount, which was paid by the appellant. The appellant challenged the demand notice issued by the respondent -1. before the CGRF Dharwad District. CGRF in their order No. ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾ.ಕುಂ.ಕೊ.ನಿ.ವೇ/ ಕಡತ-235/cys-848 dated: 29-09-2018 have rejected the complaint of the appellant. This order of the CGRF has been challenged by the appellant in the present case before this authority.

In the joint memo filed by the appellant and the respondent-1 they have said that they have come to the conclusion to settle the claims according to the normal tariff as prescribed under commercial tariff order approved by the Hon'ble Commission instead of twice the normal tariff.

In the background above facts the following order is issued:

ORDER

No:OMB:H/G/302/2018/D-1151

Date:04.12.2018

The appeal is disposed in terms of the joint memo filed by the appellant and the respondent-1 before this authority on 19-11-2018.

Sd/-

(S.S.Pattanashetti)
Electricity Ombudsman

Copy to:

1. Sri Raghavendra V. Malaskar
C/o Tushar M.Baddi,
"Arihant Park"
Keshwapur,
Hubballi-580023.
2. Assistant Executive Engineer,
O & M City Sub-Division No.1,
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3. Chairperson, CGRF,
Office of The Superintendent Engineer (Ele)
O & M Circle, HESCOM,
Shivaganga Layout, Kusuagal Road,
Hubballi, Dharwad District.
4. The PS to Hon'ble Chairman, KERC
5. The PS to Hon'ble Member (A), KERC
6. The PS to Hon'ble Member (M), KERC
7. PS to Secretary, KERC