

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-359/2019

Dated 13/12/2019

In the matter of

Shri Tirupati,
S/o. Amarappa Hosalli,
H-No. 4-4-100/30A-A,
Yeragera Layout,
Zahirabad, Radio Station Road,
Ambedkar Bhavan Corner,
Raichur – 584101. -

Appellant

Vs

1) The Assistant Executive Engineer (Elec),
O & M Urban Sub-Division-1, GESCOM,
Raichur District.

2) Chairperson, Consumer Grievance Redressal Forum (CGRF)
Raichur District,
Superintending Engineer (Ele),
O & M Circle, GESCOM,
Near Basaveshwara Circle,
Opposite to LIC Office,
Raichur –584101. -

Respondents

1) This Appeal/Complaint is filed before this Authority, by Shri Tirupati, (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 No. CGRF

ಅಲ(ವಿ)/ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2019-20/21-29 dated 28-06-2019 of CGRF, Raichur District, by inter-alia seeking the following reliefs:

To remove the fixed charges for RR Nos. 46502, 46503 & 46504.

2) Brief facts, which are relevant to the case are as follows:

The Appellant/Complainant is said to have submitted an application on 03-08-2005 for permanent disconnection of three electricity meters in his name bearing RR Nos. 1) 46502 2) 46503 3) 46504. As no action was taken on his application, on 21-08-2018 he submitted another application to Assistant Executive Engineer (Ele) City Sub Division-1, GESCOM Raichur. As there was no response from the office of the AEE (Ele) City Sub Division-1 Raichur he filed a complaint before the CGRF Raichur District on 03-09-2018. The CGRF Raichur District in their order dated 14-02-2019 ordered for withdrawal of fixed charges with effect from 01-12-2012. The Appellant/Complainant aggrieved by the order of the CGRF filed an appeal/complaint before the Electricity Ombudsman on 08-03-2019. The Electricity Ombudsman in his order dated 03-04-2019, setting aside the order of the CGRF on technical grounds that the order was signed only by the Chairperson of the CGRF in violation of Clause 8.3 of KERC (CGRF and Ombudsman) Regulations 2004, remanded the matter back to CGRF to hold a fresh hearing strictly in accordance with the KERC (CGRF and Ombudsman) Regulations 2004. The CGRF Raichur District heard the matter afresh and in their order No. CGRF ಅಲ(ವಿ)/ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2019-20/21-29 dated 28-06-2019 reiterated their earlier order dated 14-02-2019. The Appellant/Complainant has challenged this order in the present appeal/complainant before this authority.

- 3) Both the parties were informed vide this office letter No. OMB/G/G-359/2019/D-1340 dated 05-08-2019, regarding availability of provision 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 28-08-2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 28-08-2019 and 16-09-2019. On both the occasions the Appellant/Complainant remained absent. However, he has sent a letter dated 01-09-2019 which is received in this office on 16-09-2019.
- 4) In the parawise replies furnished to this authority by the Respondent-1/AEE on 16-09-2019 at the time of hearing he has said that the consumer has paid the cost of three electricity meters since these meters were lost by the consumer and not handed over to the department. As per CGRF order dated 14-02-2019 fixed charges for three RR Nos. 46502, 46503 and 46504 from 01-12-2012 has been waived off. However, the consumer has to pay fixed charges for the period from 2005 to 01-12-2012 amounting to Rs. 15,661/- for three RR numbers. As per Clause 33.00 of Conditions of Supply of Electricity (COS) fixed charges will have to be levied till the consumer terminates the agreement whether the installation is in service or not or under disconnection.
- 5) The Appellant/Complainant has availed power supply under LT-3 Tariff for four meters for the use of his shops constructed for rental purpose in Raichur City. He has paid electricity bill for 1 year. Due to non-availability of tenants the shops remained vacant leading to his financial crisis. Due to this he intended to convert the shops into

residential house. In this regard an application for disconnection of RR Nos. 46502, 46503 and 46504 was filed before the concerned authority. At the time of hearing of this case the Appellant/Complainant has sent a representation dated 01-09-2019 through post, which is received in this office on 16-09-2019, wherein he has enclosed a xerox copy of his letter dated 03-08-2005 in which it is mentioned that all the commercial connections obtained under LT-3 Tariff have been dismantled and disconnected retaining only one connection for home usage and converting the same from LT-3 to LT-2. The three meters disconnected have been surrendered to the JE office for which acknowledgment has not been obtained by him. He had applied for conversion of LT-3 connection to LT-2 connection. As no action has been taken on this request he has requested for conversion to LT-2. It is the contention of the Appellant/Complainant that although three meters were removed from his premises charging of fixed charges for these meters continued. In the hearing held by the CGRF the Respondent-1/AEE has deposed that before the application on 03-08-2005 no application has been filed in his office. Tariff revision from LT-3 to LT-2 has been carried out in respect of RR No. 46505. There is no proof with the Appellant/Complainant for having delivered three electrical meters 46502, 46503 and 46504 to the GESCOM office.

- 6) Perused the appeal of the Appellant/Complainant, the parawise replies filed by the Respondent-1/AEE, and the submission made by the Appellant/Complainant dated 01-09-2019. Clause 33.00 of Conditions of Supply of Electricity (COS) is reproduced here below:

“33.00 MINIMUM CHARGES

Charges for power supply in accordance with Tariff in force from time to time shall be payable by the Consumer until the power supply Agreement is terminated irrespective of whether the installation is in service or under disconnection.”

- 7) The Appellant/Complainant in his letter dated 03-08-2005 addressed to the Junior Engineer has stated that barring 1 meter which was retained for power supply to his house all the other 3 meters have been returned by him to the office of the Junior Engineer. However, he has failed to obtain an acknowledgment for having handed over the meters. The Respondent-1/AEE has collected meter cost at the rate of Rs. 733/- per meter on 28-04-2018 from the Appellant/Complainant. The CGRF has already waived off the fixed charges for three meters with effect from 01-12-2012 in their order dated 14-02-2019 which is also reiterated in their order dated 28-06-2019. Clause 33.00 of Conditions of Supply of Electricity (COS) clearly says that minimum fixed charges shall be payable by the consumer until the power supply agreement is terminated irrespective of whether the installation is in service or under disconnection. In the present case the Appellant/Complainant has failed to prove that he has surrendered the meters to the licensee as he has not obtained any acknowledgement from the concerned. The licensee has collected cost of three meters from the Appellant/Complainant on 28-04-2018. As power supply agreement was not terminated between the Appellant/ Complainant and the Licensee the stand of the AEE and the CGRF that fixed charges cannot be waived off from 03-08-2005 till 01-12-2012 is correct.
- 8) In view of the foregoing paras the following order:

O R D E R

The Appeal/Complaint filed by the Appellant/Complainant is dismissed.

Sd/-
(S.S Pattanashetti)
Electricity Ombudsman.

- 1) Shri Tirupati,
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- 2) The Assistant Executive Engineer (Elec),
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- 3) Chairperson, Consumer Grievance Redressal Forum (CGRF)
Raichur District,
Superintending Engineer (Ele),
O & M Circle, GESCOM,
Near Basaveshwara Circle,
Opposite to LIC Office,
Raichur –584101.
- 4) PS to Hon'ble Chairman, KERC
- 5) PS to Hon'ble Member (M), KERC
- 6) PS to Hon'ble Member (R), KERC
- 7) PA to Secretary, KERC.
- 8) Chairperson of all CGRF's in the State.