

BEFORE THE ELECTRICITY OMBUDSMAN

No.16 C-1, Miller Tank Bed Area (Behind Jain Hospital)
Vasanthanagar, Bengaluru-560052.

Present: S.S Pattanashetti,
Electricity Ombudsman,

Dated 26/11/2019

In the matter of

- 1) **Case No. OMB/G/G-354/2019**
Smt Sakshi,
W/o. Sampath Sarda,
Plot No. 10, Sy. No. 125,
Kapnoor Village, Humnabad Road,
Kalaburgi.
- 2) **Case No. OMB/G/G-356/2019**
Shri. Gowrishankar Sarda,
S/o. SriVallabh Sarda,
Plot No.2, Sy. No. 125,
Kapnoor Village, Humnabad Road,
Kalaburgi.
- 3) **Case No. OMB/G/G-357/2019**
Smt. Rachita,
W/o. Rajesh Sarda,
Plot No.9, Sy. No. 125,
Kapnoor Village, Humnabad Road,
Kalaburgi.
- 4) **Case No. OMB/G/G-358/2019**
Shri Srikant Rathi,
S/o. Shankarlalji Rathi,
Plot No.5, Sy. No. 125,
Kapnoor Village, Humnabad Road,
Kalaburgi.

All represented by:

Shri Ilyas M Sarmast,
“Bait Al-Omer”, Qamarul Islam Colony,
Kalaburgi – 585104. -

Appellants

Vs

- 1) The Assistant Executive Engineer (Elec),
O & M Sub-Division-1, GESCOM,
Kalaburgi District.
- 2) Chairperson, Consumer Grievance Redressal Forum (CGRF)
Kalaburgi District,
O & M Circle, GESCOM,
Station Main Road,
Kalaburagi – 585102.

Respondents

- 1) The above Appeals/Complaints are filed before this Authority, by the Appellants/Complainants, under the provisions of Clause 21.2 of the KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, in Form ‘B’ challenging the following orders
 - i) CGRF order No. CGRF ಅ.ಇಂ(ವಿ)/ಗು/ಉಲೆನಿ/ಲೆಅ/ಸಲೆ/ಹಿಸ-2/ಗುವಿಸಕಂನಿ/18-19/CYS-373 dated 30-03-2019 of Smt. Sakshi, W/o. Sampath Sarda
 - ii) CGRF order No. CGRF ಅ.ಇಂ(ವಿ)/ಗು/ಉಲೆನಿ/ಲೆಅ/ಸಲೆ/ಹಿಸ-2/ಗುವಿಸಕಂನಿ/18-19/CYS-371 dated 30-03-2019 of Shri. Gowrishankar Sarda, S/o. Sri Vallabh Sarda
 - iii) CGRF order No. CGRF ಅ.ಇಂ(ವಿ)/ಗು/ಉಲೆನಿ/ಲೆಅ/ಸಲೆ/ಹಿಸ-2/ಗುವಿಸಕಂನಿ/18-19/CYS-372 dated 30-03-2019 of Smt. Rachita, W/o. Rajesh Sarda
 - iv) CGRF order No. CGRF ಅ.ಇಂ(ವಿ)/ಗು/ಉಲೆನಿ/ಲೆಅ/ಸಲೆ/ಹಿಸ-2/ಗುವಿಸಕಂನಿ/18-19/CYS-374 dated 30-03-2019 of Shri Srikant Rathi, S/o. Shankarlalji Rathi

of CGRF, Kalaburagi District, by inter-alia seeking the following relief:

To award compensation under the Regulation of Standards of Performance of KERC for the delayed periods from date of registration to date of supply of power to said temporary installations.

As the nature of grievance, complaint and the relief sought are similar in nature and the Respondents are also the same in all the above 4 cases they are clubbed together and a common order is passed.

2) Brief facts, which are relevant to the case as claimed by the Appellants/Complainants are as follows:

The above said 4 Appellants/Complainants registered their individual application on 26-06-2018 for arranging power supply of 2 KWs to their installation for construction of building at their own plots situated in Survey No. 125 of Kapnoor village of Kalaburgi Taluk, District. On receipt of Appellants/Complainants application the Section Officer prepared and submitted the estimate along with feasibility report on existing locality transformer under service connection basis before the office of the AEE (Ele), O & M CSD-1, GESCOM Kalaburgi for sanction. The AEE (Ele) forwarded the applications/estimates to Executive Engineer (Ele), O & M City Division, GESCOM, Kalaburgi without proper verification of rules of KERC for clarification. The Executive Engineer (Ele) O & M City Division, Kalaburgi issued a letter bearing No. 2082, dated 18-07-2018 with a proper direction to follow the COS/ES&D code of KERC duly observing all company formalities. After receipt of said the direction from his higher authority the Respondent-1/AEE authority did not issue power sanction to the Appellants/Complainants immediately. The Respondent-1/AEE issued power sanction only on 19-01-2019 to the Appellants/Complainants installation and serviced them on 22-01-2019 with RR Nos. In view of

illegal delay from Respondent-1/AEE, the Appellants/Complainants filed complaint on 21-01-2019 before the CGRF Kalaburgi District for relief in accordance with Standards of Performance (SOP) of KERC and violation of the Conditions of Supply of Electricity (COS) of KERC. The CGRF Kalaburgi District passed an order dated 30-03-2019 without any grant of compensation. The order passed by CGRF Kalaburgi District is totally against the law, justice and equity. The Appeal/Complaint is filed before this authority to consider the complaint sympathetically and set aside the impugned order passed by the CGRF Kalaburgi District in the interest of justice and equity.

- 3) All the parties were informed vide this office letter Nos. OMB/G/G-354/2019/D-1337, OMB/G/G-356/2019/D-1336, OMB/G/G-357/2019/D-1338 and OMB/G/G-358/2019/D-1353 dated 05-08-2019, respectively 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 21-08-2019. However, they have not availed the benefit of the said provision within this date. The cases were listed for hearing on 21-08-2019, 05-09-2019 and 16-09-2019.
- 4) The Appellants'/Complainants' representative remained absent on all the 3 dates of hearing. The Respondent-1/AEE appeared on 16-09-2019 for hearing and submitted proceedings of settlement through conciliation and mediation between the Licensee and the Appellants/Complainants. The said conciliation and mediation meeting proceedings dated 20-08-2019 is signed by the Chairperson of CGRF Kalaburgi District/Superintending Engineer (Ele) O & M Circle, Kalaburagi, Respondent-1/AEE and the representative of the

Appellants/Complainants. In the meeting proceedings it is recorded that Shri. Ilyas M Sarmast the representative of the Appellants/Complainants agreed on his own decision to close the cases as all the layouts are serviced long back. It is further recorded that Shri. Ilyas M Sarmast requested for giving prompt and timely services to prospective consumers.

- 5) In view of the fact that a conciliation and mediation meeting was held under the chairmanship of Superintending Engineer (Ele), O & M Circle, GESCOM Kalaburgi, who is also the chairperson of CGRF Kalaburgi District on 20-08-2019 i.e., one day prior to the first hearing in all the above 4 cases, and the representative of all the above Appellants/complainants has remained absent for all the 3 hearings held by this authority, I proceed to pass the following order: -

No. OMB/G/G-354/2019/D O R D E R Dated: 26-11-2019
No. OMB/G/G-356/2019/D
No. OMB/G/G-357/2019/D
No. OMB/G/G-358/2019/D-1396

1. The Appeals/Complaints filed by the Appellants/Complainants is dismissed for non-prosecution and as not pressed for.

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

- 1) Smt Sakshi,
W/o. Sampath Sarada,
Plot No. 10, Sy. No. 125,
Kapnoor Village, Humnabad Road,
Kalaburgi.

- 2) Shri. Gowrishankar Sarda,
S/o. SriVallabh Sarda,
Plot No. 2, Sy. No. 125,
Kapnoor Village, Humnabad Road,
Kalaburgi.
- 3) Smt. Rachita,
W/o. Rajesh Sarda,
Plot No. 9, Sy. No. 125,
Kapnoor Village, Humnabad Road,
Kalaburgi.
- 4) Shri Srikant Rathi,
S/o. Shankarlalji Rathi,
Plot No. 5, Sy. No. 125,
Kapnoor Village, Humnabad Road,
Kalaburgi.
- 5) Shri Ilyas M Sarmast,
“Bait Al-Omer”, Qamarul Islam Colony,
Kalaburgi – 585104.
- 6) The Assistant Executive Engineer (Elec),
O & M Sub-Division-1, GESCOM,
Kalaburgi.
- 7) Chairman, Consumer Grievance Redressal Forum (CGRF)
Kalaburagi District,
O & M Circle, GESCOM,
Station Main Road,
Kalaburagi – 585102.
- 8) PS to Hon’ble Chairman, KERC
- 9) PS to Hon’ble Member (M), KERC
- 10) PS to Hon’ble Member (R), KERC
- 11) PA to Secretary, KERC.
- 12) Chairperson of all CGRF’s in the State.