

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/H/G-367/2019

Dated 30/12/2019

In the matter of

Sri Mahantappa N Nilugal,
C.D.O. Jain School Road,
Nilugal Layout,
Rachoteshwar Nagar,
Gadag – 582103.
Gadag District. -

Appellant

Vs

- 1) The Assistant Executive Engineer (Electrical),
O & M (Ele) City Sub-Division, HESCOM,
Gadag District.
- 2) Chairperson, Consumer Grievance Redressal Forum/(CGRF)
Gadag District,
Superintending Engineer (Ele),
O & M Circle, HESCOM,
Gadag District. - Respondents

- 1) This Appeal/Complaint is filed before this Authority, by Sri Mahantappa N Nilugal, (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. ಅಇಂ(ಬಿ)/ಉಲೆನಿ/ಗ್ರಾ.ಕು.ಕೊ.ನಿ.ವೇ/ಗದಗ/ಕಡತ - CGRF ಗದಗ 24/2019/CYS-12, dated 30-08-2019 of CGRF, Gadag District, by

inter-alia seeking refund of Development charges from HESCOM Gadag.

- 2) Brief facts, which are relevant to the case on hand are as follows:
- 3) The Appellant/Complainant has been sanctioned power supply as shown below under LT-2 Tariff, totaling 13.5 KWs after collecting Rs. 28,000/- as development charges.

RR No.	No of KW	Date of Connection	Development charges Collected
3540	3 KW	02-11-1998	Rs. 12,000/-
24747	2 KW	15-11-1999	Rs. 4,000/-
25542	2 KW	17-06-2000	Rs. 4,000/-
27037	1.5 KW	27-06-2001	Rs. 4,000/-
41801	1 KW	29-07-2009	Rs. 4,000/-
44815	2 KW	02-06-2011	-
51780	2 KW	31-03-2016	-
Total			Rs. 28,000/-

The contention of the Appellant/Complainant is that he has been collected excess development charges to the tune of Rs. 16,000/-. His request is for refund of Rs. 16,000/- collected from him. The Respondent-1/AEE has stated the excess amount collected from the Appellant/Complainant is not Rs. 16,000/- but 8,850/- only and the department is ready to pay this amount to the Appellant/Complainant. A letter has been sent to the Executive Engineer (Ele) on 29-07-2019 stating that instead of collecting Rs. 19,150/- as development charges, Rs. 28,000/- has been collected from the Appellant/Complainant at the time of giving power connection. The Appellant/Complainant has filed a complaint before the CGRF in Form 'A' on 11-07-2019. The CGRF Gadag in their order dated 30-08-2019 partially allowing the complaint has ordered that the Respondent-1/AEE should once again inspect all the installations in the name of the Appellant/Complainant in the

premises as per regulations and in case excess development charges has been collected to refund the same and in case less development charges has been collected, to collect the difference amount from the Appellant/Complainant. Aggrieved by the order of the CGRF the Appellant/Complainant has filed the present appeal/complaint before this authority.

- 4) Both the parties were informed vide this office letter No. OMB/H/G-367/2019/D-1363 dated 10-10-2019, regarding availability of provision of 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 24-10-2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 24-10-2019, 06-11-2019 and 22-11-2019.
- 5) The Respondent-1/AEE has filed his submissions dated 22-10-2019 on 06-11-2019 at the time of hearing. He has stated that after examining the application and office files relating to the Appellant/Complainant for CTS No. 3881/30 totally 7 installations have been sanctioned power, for which instead of collecting Rs. 19,150/- as per the departmental rules, Rs.28,000/- has been collected resulting in collection of Rs. 8,850/- excess development charges. The same has been informed to the consumer on 29-07-2019 through a letter. The CGRF in their order dated 30-08-2019 has ordered to inspect all the installations in the name of the Appellant/Complainant in the premises as per regulations, and in case excess development charges has been collected, to refund the same and in case less development charges has been collected to collect the difference amount from the Appellant/Complainant. As per the orders of the CGRF a letter has been written

to the Appellant/Complainant informing him to submit a pre-receipted bill for refunding excess development charges of Rs. 8,850/- collected from him.

- 6) In the submission made by the Appellant/Complainant on 06-11-2019 at the time of hearing he has stated that in the Form 'B' appeal/complaint filed by him, he has claimed that the department has not collected the development charges as per rules and that he has been roaming around several offices for refund of the excess development charges collected. He has requested that the excess development charges collected from him should be refunded along with interest.
- 7) Perused the appeal memo, submissions made by the Respondent-1/AEE and the Appellant/Complainant. The contention of the Appellant/Complainant is that for plots having CTS Nos from local urban body, there is no provision to collect development charges from the consumer at the time of sanction of power, even then the Licensee HESCOM has collected Rs. 28,000/- from him as development charges. The excess amount collected from him should be returned. At the time of hearing the Appellant/Complainant who was present has admitted the fact that he has no documentary proof to show that for plots with CTS Nos development charges cannot be collected. The department has admitted that they have collected excess development charges to the tune of Rs. 8,850/-. The development charges of Rs. 28,000/- has been collected from the Appellant/Complainant during the period from 1998 to 2009. Even accepting the admission made by the Respondent-1/AEE that there has been a collection of Rs. 8,850/- excess development charges from the Appellant/Complainant, this amount has been collected in phases from 17-06-2000 onwards. As per Clause 29.08 of

Conditions of Supply of Electricity (COS) interest at bank rate has to be paid by the Licensee for the excess claims made in the past. The excess amount shall be credited to the consumer's account along with interest at bank rate from the date of payment up to the date of credit. This shall be done within one month from the date of pointing out the excess claims. If for any reason there is delay in crediting the amount to the consumer's account, interest at 2% per month shall be paid to the consumer for the period beyond two months. As seen from the statement submitted by the Respondent-1/AEE excess amount collected can be bifurcated as below: -

a) 17-06-2000	Rs. 850/-
b) 27-06-2001	Rs. 4,000/-
c) 29-07-2009	Rs. 4,000/-
Total	Rs. 8,850/-

For the amount shown above the Appellant/Complainant is entitled for interest from the date of collection, up to the date of payment at bank rate of interest as per Clause 29.08.

- 8) In view of the discussions in the foregoing paras I proceed to pass the following order: -

No. OMB/H/G-367/2019/D-1412

Dated 30-12-2019

O R D E R

- 1) The Appeal/Complaint of the Appellant/Complainant is partly allowed, excess development charges of Rs. 8,850/- collected from the Appellant/Complainant is to be refunded.

2) Interest as shown in para 7 from the date of excess collection up to the date of payment also to be paid to the Appellant/Complainant.

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

- 1) Sri Mahantappa N Nilugal,
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Nilugal Layout,
Rachoteshwar Nagar,
Gadag – 582103.
Gadag District.
- 2) The Assistant Executive Engineer (Electrical),
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- 3) Chairperson, Consumer Grievance Redressal Forum/(CGRF)
Gadag District,
Superintending Engineer (Ele),
O & M Circle, HESCOM,
Gadag District.
- 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.