

BEFORE THE ELECTRICITY OMBUDSMAN
No. 16 C-1, Miller Tank Bed Area (Behind Jain Hospital)
Vasanthanagar, Bangalore-560 052.

Present: S.S. Pattanashetti

Electricity Ombudsman

Case No.OMB/B/G-297/2018

Dated: 31-07-2018

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R.V. Yadwadkar
C/o Tushar M.Baddi,
M/s. Madhur Enterprises,
Near S.B.I. Keshwapur, : Appellant.
Hubballi.

VS

1. The Assistant Executive Engineer,
HESCOM, Industrial Estate Gokul Road
Hubballi-30(Represented by Advocate
Sri H.V. Devaraju, No.39, Shop No.24,
Mezzanine Floor, A,S,V,N,V,Bhavan
K.G. Road, Bangalore-560 009.
2. The Chairperson, CGRF,
Hubballi. :Respondent.

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This is an Appeal filed under Clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders of CGRF, HESCOM, Dharwad District (herein after referred to as the 2nd Respondent) in case No. CGRF 181/2015 vide No. ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-181/8874-77 dated: 30-11-2015. The Appellant has requested to direct the Respondent to withdraw and refund disputed power factor penalty along with interest demanded in respect of RR No.HT-154 and to award compensation.

2nd Respondent in his order dated:30.11.2015 has partially allowed the application of the appellant and ordered for refund of P.F. penalty imposed on the appellant for the period from April -2005 to Oct-2010. It has further said that P.F. penalty imposed for the period from June-2013 to Nov-2013 is correct as per Rules.

Notices were served on both the parties to appear before this Authority on 31-07-2018 to put forth their arguments vide this office letter No. OMB/H/D-1042/2018 dated 11-07-2018.

This case was taken up for hearing on 31-07-2018. Advocate for Appellant and Advocate for Respondent-1 both were present. Advocate for Respondent-1 filed a memo stating that CGRF order has been challenged by them in W.P No.101743/2016 and the Hon'ble High court of Karnataka has granted interim stay insofar as refund order, and the interim order dated: 24-06-2016 is still in force.

When the Respondent has challenged the CGRF order in W.P. and Hon'ble High Court of Karnataka has stayed the CGRF order, no purpose would be served in hearing the present case before this Authority. Hence the case is disposed of in view of the above facts reserving liberty to the Appellant to file fresh complaint after disposal of the Writ Petition pending before the Hon'ble High Court.
Pronounced in open Court.

Sd/-

(S.S. Pattanashetti)
Electricity Ombudsman

To:

- 1) R.V. Yadwadkar, C/o Tushar M.Baddi, M/s. Madhur Enterprises,
Near S.B.I. Keshwapur,Hubli
- 2) The Assistant Executive Engineer,
HESCOM, Industrial Estate Gokul Road
Hubballi-30
- 2) Sri H.V. Devaraju, No.39, Shop No.24,
Advocate, Mezzanine Floor, A,S,V,N,V,Bhavan
K.G. Road, Bangalore-560 009.
- 3) The Chairman, CGRF,
Hubballi.
- 4)The Managing Directors of all ESCOMS
- 5)PS to Hon'ble Chairman,KERC
- 6)PS to Hon'ble Member (A),KERC
- 7)PS to Secretary, KERC

