

Before the Ombudsman, KERC, Bangalore

Present: Shaik Ahmed,
Ombudsman
Case No.OMB/B/G-22/2007/3196
Dated : 29.8.2007

Appellant:

Dr.N.Srikantappa,
Santosh Clinic,
Devanoor Road,
Banavara,
Hassan District

Respondents:

1. The Asst.Executive Engineer(Ele)
O & M City Sub-Division-1
Chamundeswari Electric Supply Corpn.Ltd.
Banavara,
Hassan District

2. The Consumer Grievance Redressal Forum,
C.E.S.C.Corporate Office, 2nd Floor,
927, L.J.Avenue Commercial Complex,
New Kantharaj Urs Road, Saraswathipuram,
MYSORE-570009

This is an appeal filed by Dr.N.Srikantappa, Santosh Clinic, Devanoor Road, Banavara, Hassan District against the order passed by the CGRF, CESC, Mysore on 02.03.2007 in file No.2/2006-07/30018-16. This case is about the refund of Security Deposit. The Appellant has surrendered his power connections bearing RR Nos.1039, 2045 and 2046 on 13.1.2005 and sought refund of Security Deposit of 1560/- which he had paid to the 1st Respondent at the time of getting the power connections. The 1st Respondent did not refund the above Deposit in time and it was only after a delay of 225 days, the deposit was refunded to the Appellant.

Aggrieved by the inordinate delay on the part of the 1st Respondent to refund the Security Deposit, the Appellant had filed a petition before the 2nd Respondent seeking a compensation of Rs.50/- per day of delay as provided in KERC (Licensees' Standards of Performance) Regulations 2004.

The CGRF, CESC, after hearing both the parties, has come to the conclusion that there was a delay of 225 days to refund the Security Deposit to the Appellant. Considering the inordinate delay, the CGRF has ordered the 1st Respondent to pay a compensation of Rs.1000/- to the Appellant apart from interest at the bank rate on the amount of deposit held by the Licensee for the period of delay. The CGRF has rejected the request of the Appellant for the payment of compensation at the rate of Rs.50/- per day.

Not satisfied with the relief provided by the 2nd Respondent, the Appellant has preferred this appeal seeking a compensation of Rs.50/- per day for the entire period of delay in accordance with the provisions of KERC (Licensees' Standards of Performance) Regulations 2004.

I have gone through the records placed before me by both the parties. The 1st Respondent has submitted that there is no malafide intention of whatsoever to refund the deposit to the Appellant. But then he has not furnished any justifiable reason for the inordinate delay to refund the deposit. As per Clause 34.04 of Conditions of Supply of Electricity, the 1st Respondent is required to pay the dues of a consumer within 2 months. In the instant case, the 1st Respondent has not only violated the above provisions of law but also has caused loss to the Licensee by way of paying interest and compensation to the Appellant which could have been avoided.

Clause (b) of Regulation 9.1 of the KERC (Consumer Grievance Redressal Forum & Ombudsman)(Amendment) Regulations 2007 provides that the award of relief granted should not exceed the actual amount. In the instant case, the amount involved is only Rs.1560/- and the award of compensation essentially should not exceed this amount. The relief of Rs.1000/- granted by the 2nd Respondent is appropriate and meets the ends of justice given the actual amount involved in the case. The request of the Appellant to compensate the delay at the rate Rs.50/- per day does not merit consideration and the decision of the CGRF, CERC, **needs no interference.**

ORDER

In the circumstances explained above, the request of the Appellant to grant compensation at the rate of Rs.50/- per day of delay is rejected as the relief granted by the 2nd Respondent in the impugned order is just and appropriate.

The Appeal is, therefore, rejected.

(Shaik Ahmed)
Ombudsman

1. Dr. N.Srikantappa, Santosh Clinic, Devanoor Road, Banavara, Hassan District
2. The Asst.Executive Engineer(Ele)O & M Sub-Division, CESC, Banavara, Hassan District.
3. The Consumer Grievance Redressal Forum, CESC, 927, L.J.Avenue Commercial Complex, New Kantharaj Urs Road, Saraswathipuram, Mysore-570009

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4. The Managing Director, CESC, 927, L.J.Avenue Commercial Complex, New Kantharaj Urs Road, Saraswathipuram, Mysore-570009

5. The General Manager, (Tech/Admn & HRD), CESC, 927, L.J.Avenue Commercial Complex, New Kantharaj Urs Road, Saraswathipuram, Mysore-570009

6. The Executive Engineer(Elec), O & M Division, CESC, Chennarayapatna, Hassan District.

7.PS to Hon.Chairman / 8.PS to Hon.Member-I / 9.PS to Hon.Member-Tech

10. Secretary 11.Consultant(Consumer Advocacy)

12. Chairpersons of all CGRF for information.