

Before the Ombudsman, KERC, Bangalore
Present: Shaik Ahmed,
Ombudsman
Case No.OMB/B/G-17/2006/
Dated :04.01.2007

Appellant:

Shri K.Gangabyrappa,
No.256, Peenya I Block,
BANGALORE-560058

Respondents:

1. The Asst.Executive Engineer(Ele)
N-4 Sub Division, BESCO,
Peenya, 14th Cross,
BANGALORE-560058

2. The Consumer Grievance Redressal Forum,
BESCO, Central Stores Premises,
Near ESI Hospital, Rajajinagar,
BANGALORE-560010.

This is an appeal directed against the order of CGRF, BESCO passed on 29.07.2006 in case No.CGRF/61. The appeal is in time.

The case of the Appellant is that he has 10 domestic installations in his premises No.103, Lavakushanagar, Laggere, Bangalore with a sanctioned load of 280 watts each. The Audit Wing of the 1st Respondent has pointed out that the fixed energy charges in respect of these installations for the months of January 2004 to March 2005 have not been collected. The 1st Respondent accordingly has informed the Appellant on 17.2.2006 in writing calling upon him to pay a sum of Rs.3150.00 towards the fixed energy charges at Rs.20/- per month per installation from January 2004 to March 2005. The 1st Respondent has also levied an interest at 5% on the arrears of fixed energy charges.

The Appellant alleges that the 1st Respondent has refused to accept the payment of energy bills for the months of January 2006 to April 2006 for which there is no dispute at all. He further alleges that the 1st Respondent has threatened to disconnect the power supply if the arrears of the fixed energy charges along with interest are not paid. Aggrieved by the action of the 1st Respondent, the Appellant has filed a petition before the CGRF, BESCOM (2nd Respondent) to set aside the demand of Rs.3150.00 plus interest, as it was time-barred and did not survive under Section 56(2) of the Electricity Act, 2003.

The learned CGRF, after hearing both the parties, has ordered that the 1st Respondent shall not collect the fixed energy charges for the months of January 2004 and February 2004 as the claims for these months were made after over 2 years. The learned CGRF has further ordered to recover the short claim from the concerned Ledger Clerk and Section Officer and credit to the accounts of the concerned RR Nos. as these officials are responsible for not raising the lawful demand in time.

Not satisfied with the relief granted by the 2nd Respondent, the Appellant has preferred this appeal against the orders of the 2nd Respondent and has sought to waive off the entire arrears and the interest thereon.

I have gone through the materials placed before me by both the parties and also heard the Appellant on 28.12.2006. The Appellant has requested to allow him to pay the lawful arrears in instalments.

It is a fact that the 1st Respondent has not made any demand towards fixed energy charges in the bills for the months from January 2004 to March 2005 during these months.

In other words, the energy bills issued for the months of January 2004 to March 2005 by the 1st Respondent did not include the lawful fixed energy charges. It is only after the audit of accounts the 1st Respondent has issued a demand notice on 17.2.2006 to the Appellant calling upon him to pay a sum of Rs.3150 towards arrears of fixed energy charges for the above months. The demand for the month of January 2004 was made on 17.2.2006 i.e. after over 2 years. Any demand made after 2 years does not survive under Section 56(2) of the Electricity Act, 2003. However, the demand for the month of February 2004 is lawful as the same is made within 2 years, The learned CGRF has erred to waive off the demand for the month of February 2004. Further the learned CGRF is silent about the levy of interest. The default has occurred due to the mistake of the officials of the 1st Respondent and not of the Appellant. The Appellant therefore cannot be penalized by levying interest for the negligence of officials of the 1st Respondent. In the circumstances explained above, the following order is passed.

ORDER

- a) The 1st Respondent shall not collect the arrears for the month of January 2004 as the demand is made after 2 years against the provisions of Section 56(2) of the Electricity Act, 2003.
- b) The 1st Respondent shall not levy interest at 5% on the arrears of fixed energy charges for the months of February 2004 to March 2005 as the Appellant is not responsible for the default.

- c) The request of the Appellant to pay the arrears in installments cannot be considered as there is no provision in the law to pay the energy bills in installments.

The appeal is therefore partially allowed.

(Shaik Ahmed)
Ombudsman

TO:

1. Shri K.Gangabyrappa, No.256, Peenya I Block, Bangalore-560058.
2. The Consumer Grievance Redressal Forum, BESCO, Central Stores Premises, Near ESI Hospital, Rajajinagar, Bangalore-560010.
3. The Asst.Executive Engineer, N-4, Sub-Division, BESCO, Peenya 14th Cross, Bangalore-560058
5. The Managing Director, BESCO Corporate Office, K.R.Circle, Bangalore-560001
6. The General Manager, (Tech), BESCO, Corporate Office, K.R.Circle, Bangalore-560001.
- 7.PS to Hon.Chairman
- 8.PS to Hon.Member-I
- 9.PS to Hon.Member-Tech
- 10.Consultant (C.A.)
11. Chairpersons of all Grievances Fora for information

