

# Before the Ombudsman, K.E.R.C., Bangalore

Present: Shaik Ahmed,

Ombudsman

Case NO.OMB/H/G-16/2006/2375

dated 29.03.2007

## **APPELLANT:**

Shri J.D.Patel  
Hari Om Granites  
Azadnagar,  
Hungund Taluk,  
Bagalkot District

## **RESPONDENTS:**

1. The Asst.Executive Engineer (E)  
O & M Sub-Division  
HESCOM  
**ILKAL-587125**  
Hungund Tq, Bagalkot District

2. Consumer Grievance Redressal Forum  
HESCOM, Eureka Junction,  
T.B.Road, ..  
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The Appellant has filed this appeal against the order of the CGRF dated 17<sup>th</sup> August 2006 passed in file No.CGRF/3579. He had filed a petition before the CGRF, HESCOM praying for cancellation of line minimum charges levied by the 1<sup>st</sup> Respondent on his industrial installation bearing R.R. No. HND MP 24066. The CGRF, HESCOM has endorsed the Appellant that his case did not come within the purview of CGRF. The decision of the CGRF was communicated to the Appellant by a Member of the CGRF through a letter which is reproduced below:



Therefore, the letter signed by the Member of the CGRF cannot be construed as the order of the CGRF since it is not in conformity with the above Regulations.

Further, the decision of the CGRF that this case did not come within its purview is also not correct, for CGRF is competent to entertain grievances from the consumers on all matters except those relating to theft/unauthorized use of electricity, offences/penalties and accidents. The case of the Appellant is about the levy of line minimum charges. The Appellant is aggrieved by the levy of line minimum charges on his LT-5 installation and he has rightly approached the CGRF seeking relief from the levy of such charges. The CGRF should have examined the petition in accordance with the provisions of law and passed an order holding that the levy of the line minimum charges was right or wrong.

Needless to mention that the line minimum charges were levied under Regulation No.7.04 of the erstwhile KEB Electricity Supply Regulations 1988. After the commencement of KERC (ES & D) Code 2000-01 on 29.3.2001, there is no provision for the levy of line minimum charges. If an installation was serviced before the commencement of KERC (ES & D) Code 2000-01 the provisions of KEB Electricity Supply Regulations 1988 are applicable and the levy of line minimum charges in such a situation is therefore lawful. This is made clear in Section 49 of the KERC (ES & D) Code 2000-01. If the installation of the Appellant was serviced before 29.3.2001, the levy of line minimum charges was lawful and on the other hand if it was serviced after 29.3.2001, the levy of line minimum charges was not correct and the Appellant is entitled for the relief he has sought. Therefore, the

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CGRF is required to examine the case on this issue and pass an appropriate order. Hence the order passed by the CGRF is liable to be set aside since it not only violates Regulation No.8.3 of the KERC (CGRF & Ombudsman) Regulations 2004 but also not preceded by proper examination in terms of KERC (ES & D) Code 2000-01

### **ORDER**

In the circumstances stated above, the order No. CGRF/3579 dated 17.8.2006 passed by CGRF, HESCOM is set aside and the case is remitted back to CGRF, HESCOM to pass a fresh speaking order in compliance with Regulation 8.3 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004 and in the light of the observations made above.

(Shaik Ahmed)  
Ombudsman

1. Shri J.D.Patel, Sri Hari Om Granites, Azadnagar, Hungund Taluk, Bagalkot District.
2. The Asst.Executive Engineer (E) O & M Sub-Division HESCOM, Ilkal-587125 Hungund Tq, Bagalkot District
3. Consumer Grievance Redressal Forum HESCOM, Eureka Junction, II Floor, T.B.Road, Hubli-29
4. The Managing Director, HESCOM, Navanagar, P.B.Road, Hubli-25.
5. The General Manager, (Tech/Admn & HRD), HESCOM, Navanagar, Hubli-25.
6. The Executive Engineer(Elec), O & M Division, HESCOM, Hungund Taluk, Bagalkot District.
- 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