

## Before the Ombudsman, KERC, Bangalore

Case No.OMB/G/G-4/2005

Dated 13.03.2006

Present: Shaik Ahmed, Ombudsman

### **Appellant:**

Sri. K.M.Ghiyasuddin,  
House No.4-601/63A1,  
Basveshwar Colony, 1<sup>st</sup> Cross,  
Gulbarga-585105.

### **Respondents:**

1. The Assistant Executive Engineer,  
O&M Sub-Division, GESCOM,  
Shahapur, Gulbarga Dist.
2. The Consumer Grievance Redressal Forum,  
GESCOM, Gulbarga.

This is an appeal filed by the Appellant against the Order No.3/2005 passed by the 2<sup>nd</sup> Respondent on 18.07.2005. The appeal preferred is in time.

The case of the Appellant is that he has an IP set installed in his land in Sy.No.462 of Sagar Village, Shahapur Taluk. Due to frequent failure of transformer, there was no power supply to the IP set and therefore he incurred a heavy loss due to crop failure, as he had no alternate arrangement to provide water to the standing crops. He as a valid consumer had filed a petition before the 2<sup>nd</sup> Respondent seeking a compensation of Rs.90,000/- from GESCOM which was responsible for the crop loss due to disruption of power supply. The appellant has further submitted that the 2<sup>nd</sup> Respondent has rejected his Petition on the ground that he was not a consumer within the meaning of Regulation 2 (g) (1) of the Karnataka Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004. He as a valid consumer therefore seeks compensation from GESCOM for the loss he incurred due to power failure and such other relief as may be deemed fit.

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The 2<sup>nd</sup> Respondent, after hearing both the parties, has come to the conclusion that the Appellant is a not a consumer within the meaning of Regulation 2(g)(1) of the Karnataka Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004. On this ground the learned CGRF has rejected the petition.

I have gone through the records. The 1<sup>st</sup> Respondent has informed that the Appellant has taken power sanction to his IP set under Tatkal Scheme on 28.11.2001. The installation is numbered as SA IP 7891. The power supply to the IP set was disconnected on 29.10.2004 for non-payment of power dues amounting to Rs.17,269.00 by the Appellant. However, the supply was restored during December 2004 as the Appellant had promised to clear the power dues within 15 days. The appellant has not kept his promise and did not clear the power dues till this date. The 1<sup>st</sup> Respondent has further informed that timely action has been taken to replace the burnt transformer and GESCOM was in no way responsible for the alleged loss incurred by the appellant due to crop failure. As a matter of fact, GESCOM has been lenient towards the appellant for not disconnecting the power supply despite the fact that appellant has not paid the power dues.

The Appellant is indeed an authorized consumer within the meaning of the aforesaid Regulations as he has obtained the power supply from GESCOM under Tatkal scheme way back in 2001. The conclusion of the 2<sup>nd</sup> Respondent that the Petitioner is not a consumer within the meaning of the above Regulations is therefore, incorrect.

The appellant is a defaulter and it was his duty to clear the power dues. GESCOM would not have disconnected the power supply had he paid the power dues and in effect, he would not have suffered loss because of crop failure. GESCOM was not responsible for the alleged loss incurred by the appellant.

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Therefore, the claim of the appellant seeking a compensation of Rs.90,000/- from GESCOM towards the crop loss does not merit consideration.

**ORDER**

In the circumstances stated above, the appeal filed by the appellant is rejected.

Shaik Ahmed  
Ombudsman.

To:

- 1) Sri. K.M.Ghiyasuddin, No.4-601/63A1, Basveshwar Colony, 1<sup>st</sup> Cross, Gulbarga-585105.
- 2) The Assistant Executive Engineer, O&M Sub-Dvn., GESCOM, Shahapur Gulbarga Dist.
- 3) The Consumer Grievance Redressal Forum, GESCOM, Gulbarga.
- 4) The Executive Engineer (Elec.) Regulatory Affairs, GESCOM, Gulbarga for information.
- 5) The Executive Engineer (Elec.) O&M Division, GESCOM, Yadgir for information.

P.S. to Chairman/ P.S. to Member -I/P.S. to Member -II/ Consultant (Consumer Advocacy) for information.