

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

Present: Shaik Ahmed,  
Ombudsman

Case No.OMB/B/G-23/2007/  
Dated18.06.2007

## Appellant :

Sri Krishnappa Nayak B,  
Sulia, Bettampady,  
Near Old Gate,  
Post & Taluk Sullia-574239.

## Respondents

1. The Asst.Executive Engineer(Elc)  
O & M Sub Division  
MESCOM,  
**SULYA,**  
South Canara District.

2. Consumer Grievance Redressal Forum  
MESCOM Corporate Office,  
Paradigm Plaza, A.B.Shetty Circle,  
**MANGALROE-575001**

The Appellant above named has filed this appeal against the order dated 07.02.2007 passed by the 2<sup>nd</sup> Respondent in file No. ಮೆಸ್ಕಾಂ/ಸಾದೂ/ಗ್ರಾಕುಂಕೊನಿವೇ-  
೪/೦೬-೦೭. The case of the Appellant is that the 1<sup>st</sup> Respondent has levied a sum of Rs.175/- per month as Line Minimum Charges against his domestic installation bearing RR No.10654. He had filed a petition before the 2<sup>nd</sup> Respondent seeking cancellation of the Line Minimum Charges which according to him is illegal. The 2<sup>nd</sup> Respondent, after hearing both the parties, has passed the impugned order stating that there was no provision in law to waive off Line Minimum Charges. Further, the 2<sup>nd</sup> Respondent has ordered to levy the Line Minimum Charges at the rate of 15% of the expenditure incurred by the Licensee to draw the power line etc. and to adjust the excess recovery of Line Minimum charges against the future dues.

I have gone through the records furnished by both the parties. The 1<sup>st</sup> Respondent has informed that the Line Minimum Charges was levied as there was no provision in the law to waive off such levy . The law is very clear and the 1<sup>st</sup> Respondent has failed to examine this case properly. The KERC (ES & D) Code 2001 has come into force on 29.3.2001 and this Code does not provide for the levy of Line Minimum Charges. The installation of the Appellant was serviced on 09.03.2004 i.e. after the advent of the KERC (ES & D) Code 2001 and the levy of Line Minimum Charges is incorrect. Line Minimum Charges are applicable to the installations which were serviced prior to 29.3.2001 in terms of the erstwhile KEB Electricity Supply Regulations 1988. This is made very clear in Section 49 of the KERC (ES & D) Code 2001. The 2<sup>nd</sup> Respondent has relied on the definition of Line Minimum Charges provided in the KERC (ES & D)(Amendment) Code, 2003. In the amended KERC (ES&D) Code 2003, the Line Minimum Charges is defined with the intent of using the definition for the cases covered under Section 49 of KERC (ES & D) (Code 2001, i.e. for the installations serviced prior to 29.3.2001. Since the installation of the Appellant has been serviced after the enforcement of KERC (ES & D) Code on 2001, the levy of the Line Minimum Charges is illegal.

In the circumstances explained above, the order dated 07.02.2007 passed by the CGRF, MESCOM in file No. ಮೆಸ್ಕಾಂ/ಸಾದೂ/ಗ್ರಾಕುಂಕೊನಿವೇ-೪/೦೬-೦೭ to levy the Line Minimum Charges at 15% of the expenditure incurred by the Licensee is set aside. It is further ordered that the amount of Line Minimum Charges recovered from the Appellant shall be adjusted against his future dues.

The Appeal is therefore allowed.

(Shaik Ahmed)  
Ombudsman

**To :**

1. Sri Krishnappa Nayak B, Sulia, Bettampady, Near Old Gate, Post & Taluk Sullia-574239.

2. The Asst.Executive Engineer(Ele) O & M Sub Division MESCOM, **SULYA**,South Canara District.
3. Consumer Grievance Redressal Forum, MESCOM Corporate Office, Paradigm Plaza, A.B.Shetty Circle, Mangalore-575001
4. The Managing Director, MESCOM Corporate Office, Paradigm Plaza, A.B.Shetty Circle, Mangalore-575001.
5. The General Manager, (Tech/Admn & HRD), MESCOM Corporate Office, Paradigm Place, A.B.Shetty Circle, Mangalore-575001.
- 6.PS to Hon.Chairman / 7.PS to Hon.Member-I / 8.PS to Hon.Member-Tech
9. Secretary
10. Consultant(Consumer Advocacy
11. Chairpersons of all CGRF for information.