Before the Ombudsman, K.E.R.C. Bangalore
Present: Shaik Ahmed,
Ombudsman
Case No. OMB/B/G-23/2007/
Dated 18.06.2007

Appellant:

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

Respondents

1. The Asst.Executive Engineer(Ele)
   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 2nd Respondent in file No. ¹ÉĸÁÌA/¸ÁzÀÆ/UÁæPÀÄAPÉÆ³ÉÃ- ¾/04-05. The case of the Appellant is that the 1st 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 2nd Respondent seeking cancellation of the Line Minimum Charges which according to him is illegal. The 2nd 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 2nd 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 1st 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 1st 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 2nd 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. विभागातील/कारोबार/विभागातील विवेदणांतील- 4/06-02 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.