

**Before the Ombudsman, KERC, Bangalore**  
**Present: Shaik Ahmed,**  
**Ombudsman**  
**Case No.OMB/B/G-10/2006/875**  
**Dated : 30.05.2006**

**Appellant:**

N.R.Ashok Kumar  
Naduvanahalli, Godekere Post,  
Chikkanayakanahalli, Shettiigere Hobli,  
Tumkur District

**Respondents:**

1. The Asst.Executive Engineer (Ele)  
Chikkanayakanahalli Sub Division,  
BESCOM, Chikkanayakanahalli Taluk,  
**TUMKUR DISTRICT**

2. The Consumer Grievance Redressal Forum,  
BESCOM, Near ESI Hospital, Rajajinagar,  
**BANGALORE-560010**

The Appellant above named has preferred an appeal against the order passed by the 2<sup>nd</sup> Respondent on 16.01.2006 in case No.CGRF/37/2006/492. The case of the Appellant is that he has a flour mill of 11 HP capacity serviced by the installation bearing RR No.GKP 5. Due to the failure of the transformer, there was no power supply for a period of 3 months (Oct 2003 to Jan 2004) and that he had to shut down his business resulting in financial losses. During January 2004, to his surprise, he has received a bill for Rs.2,180/- from 1<sup>st</sup> Respondent towards the fixed charges. His contention is

..2...

that the 1<sup>st</sup> Respondent cannot levy the fixed charges for the period during which no electricity was supplied. Accordingly, he has requested the 1<sup>st</sup> Respondent to withdraw the fixed charges levied on him. The 1<sup>st</sup> Respondent has rejected the request of the Appellant and has informed him on 25.11.2005 to pay the minimum charges of Rs.2180/- as claimed within 30 days failing which power supply would be disconnected.

Aggrieved by the action of the 1<sup>st</sup> Respondent, the Appellant has filed a petition before the 2<sup>nd</sup> Respondent seeking waiver of the minimum charges together with interest levied by the 1<sup>st</sup> Respondent. He has also sought a direction to the 1<sup>st</sup> Respondent to compensate a sum of Rs.5000/- towards the loss he incurred by the closure of his flour mill due to interruption of power supply and also to improve the voltage condition which is keeping low always.

The 2<sup>nd</sup> Respondent, after hearing both the parties, has come to the conclusion that there was no power supply for 50 days (10.11.2003 to 30.12.2003) due to non-replacement of the faulty transformer and has ordered not to levy the fixed charges for 45 days. The 2<sup>nd</sup> Respondent has also ordered to improve the voltage conditions. Admittedly, power supply was interrupted for 50 days, but the 2<sup>nd</sup> Respondent has disallowed the minimum charges only for 45 days.

Aggrieved by the order of the 2<sup>nd</sup> Respondent, the Appellant has preferred this appeal seeking full waiver of the fixed charges plus interest accrued thereon, a compensation of Rs.5000/- towards losses he suffered due to interruption of power supply and payment of interest on the deposits he has paid to the 1<sup>st</sup> Respondent.

I have gone through the records. The genesis of this case is the inordinate delay on the part of the 1<sup>st</sup> Respondent to replace the burnt transformer. As per item 3 of Schedule-I of KERC (Licensees' Standards of Performance) Regulations 2004, the 1<sup>st</sup> Respondent is required to replace the faulty transformer within 3 days. In this case, the 1<sup>st</sup> Respondent has taken 50 days to replace the faulty transformer, thereby flouting the above Regulations and also affecting the interest of the Appellant. This also reflects the least importance the 1<sup>st</sup> Respondent has towards "Consumer's Interest." The Appellant is entitled for a sum of Rs.50/- as compensation for non-replacement of the faulty transformer within the period stipulated in the above Regulations.

The Appellant too is not sincere in clearing the legitimate power dues. In pursuance of the order of the 2<sup>nd</sup> Respondent, the 1<sup>st</sup> Respondent has issued a revised bill amounting to Rs.20,716.00 towards the electricity consumed by the Appellant ever since the power supply was restored to him on 27.12.2003. The 1<sup>st</sup> Respondent has informed that the Appellant has not cleared the bill till this date and also did not allow the Licensee to initiate recovery proceedings. The Appellant, therefore, has failed in his duties to pay the legitimate power charges from the last 30 months even though the disputed amount is rectified by the 1<sup>st</sup> Respondent as per the order of the 2<sup>nd</sup> Respondent.

### **ORDER**

In the circumstances stated above, I feel that the relief granted by the 2<sup>nd</sup> Respondent by and large meets the ends of justice. The 1<sup>st</sup> Respondent shall disallow the fixed charges for 50 days as against 45 days ordered by the 2<sup>nd</sup>

..4..

Respondent as the power supply was admittedly interrupted for 50 days. The 1<sup>st</sup> Respondent shall credit a sum of Rs.50/- (Rupees Fifty only) to the installation account of the Appellant for non-replacement of faulty transformer within the period prescribed under KERC (Licensees' Standards of Performance) Regulations 2004.

The 1<sup>st</sup> Respondent shall issue a revised bill towards the electricity charges and the interest accrued thereon to the Appellant after deducting the fixed charges for 5 days and Rs.50/- awarded for non-replacement of the faulty transformer. The Appellant is advised to pay the legitimate power dues as a sincere consumer to avoid further accumulation of interest and disconnection of power supply in his own interest.

Since the Appellant has deliberately delayed payment of lawful electricity charges for 2<sup>1</sup>/<sub>2</sub> years and did not allow the 1<sup>st</sup> Respondent to initiate recovery proceedings, he does not deserve additional compensation. As regards the interest on the deposit, the 1<sup>st</sup> Respondent to take action in terms of KERC (Interest on Security Deposit) Regulations 2005.

Sd/-  
(Shaik Ahmed)  
Ombudsman

**Copy to:**

1. Shri N.R.Ashok Kumar. Naduvanahalli, Godekere Post, Chikkanayakanahalli, Shettiigere Hobli, Tumkur District
2. The Consumer Grievance Redressal Forum, BESCOM Central Stores Premises, Near ESI Hospital, Rajajinagar, Bangalore-560010.

3. The Asst.Executive Engineer (Ele), Chikkanayakanahalli Sub Division, BESCO, Chikkanayakanahalli Taluk, Tumkur District.
4. The Managing Director, BESCO Corporate Office, K.R.Circle, Bangalore-560001
5. The General Manager, (Tech), BESCO, Corporate Office, K.R.Circle, Bangalore-560001.
6. The Executive Engineer (Ele), O & M, BESCO, Tumkur.
- 7.PS to Chairman
- 8.PS to Member-I
- 9.PS to Member-II
- 10.Consultant (C.A.)