

Before the Ombudsman, K.E.R.C., Bangalore
Present: Shaik Ahmed,
Ombudsman
Case NO.OMB/H/G-15/2006/2335
dated 22.03.2007

APPELLANT:

Shri N.S.Goudar
near Gorabala Nakada,
Ilkal, Hungund Talulk,
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,
HUBLI

This is an appeal against the order of CGRF, HESCOM passed on 9.8.2006 in file No.CGRF/3384-85. The Appellant had filed a petition before the CGRF, HESCOM against the revised bill amounting to Rs.1,71,801/- issued by the 1st Respondent in respect of his industrial installation bearing RR No.5707. The revised bill was issued in view of unauthorized excess load of 24 HP on the installation detected by the Vigilance Squad of the Licensee.

The Appellant had urged before the CGRF that the above demand was made after a lapse of 3 years and 4 months and hence it was not in conformity with the law. The CGRF has examined the petition and informed the Appellant through a letter dated 9.8.06 signed by a Member of CGRF that his case does not come within the purview of the CGRF. The letter sent by the CE and Member CGRF to the Appellant is reproduced below:

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CGRF.3384-85

9 AUG 2006

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ಶ್ರೀ ಎನ್.ಎಸ್.ಗೌಡರ,
ಗೋರಬಾಳ ನಾಕಾದ ಹತ್ತಿರ,
ಇಲಕಲ್,
ತಾ. ಹುನಗಂದ,
ಜಿ. ಬಾಗಲಕೋಟೆ.

ಮಾನ್ಯರೆ.

ಬಿಷಯ: ಗ್ರಾಹಕರ ಕುಂದುಕೊರತೆ ನಿವಾರಣಾ ವೇದಿಕೆಗೆ
ನೀವು ಸಲ್ಲಿಸಿದ ದೂರು ದಿನಾಂಕ.

‘ಮೇಲಿನ ಬಿಷಯ ಕುರಿತು ನಿಮಗೆ ತಿಳಿಸುವುದೇನೆಂದರೆ, ನೀವು ಸಲ್ಲಿಸಿದ ದೂರು ಗ್ರಾಹಕರ ಕುಂದುಕೊರತೆಗಳ ನಿವಾರಣಾ ವೇದಿಕೆಯ ಕಾರ್ಯವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವುದಿಲ್ಲ. ಅದುದರಿಂದ, ಈ ಪತ್ರದೊಂದಿಗೆ ನೀವು ಕಳುಹಿಸಿದ ದೂರನ್ನು ಮರಳಿ ಕಳುಹಿಸಲಾಗಿದೆ.’

ಸಹಿ/-
ಮುಖ್ಯ ಇಂಜಿನಿಯರ್(ಬಿ)
ಹಾಗೂ ಸದಸ್ಯರು, ಗ್ರಾಹಕರ ಕುಂದುಕೊರತೆಗಳ
ನಿವಾರಣಾ ವೇದಿಕೆ, ಹುಬ್ಬಳ್ಳಿ

Aggrieved by the above decision of the CGRF, HESCOM, the Appellant has filed this appeal before me. I have examined all the documents and materials placed before me by both the parties.

As could be seen from the proceedings of the CGRF dated 1.3.2006, the CGRF has decided to hear the audit officials and the 1ST Respondent who has issued the revised bill. On 09.08.2006, a Member of CGRF sends the above letter to the Appellant informing him that the case does not come within the purview of the CGRF.

The letter of Chief Engineer & Member, CGRF does not indicate the

reason as to why the case does not fall within the purview of the CGRF. The CGRF is required to pass a speaking order setting out the reasons on which the order is based. The letter does not specify any reasons for not considering the case of the Appellant. Further, Regulation 8.3 of the KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004 reads as follows:

"8.3 - Every order made by the Forum shall be signed by its Chairperson and the Members conducting the proceeding."

The letter of the Chief Engineer & Member, CGRF cannot be construed as an order of the CGRF because of the following infirmities.

- a) It is not in conformity with Regulation 8.3 of the KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004.
- b) It does not specify the reasons as to why the case does not come within the purview of the CGRF.

For these reasons, the letter No. CGRF/3384-85 dated 9.8.2006 issued by the Chief Engineer & Member, CGRF, HESCOM is liable to be set aside.

ORDER

In the circumstances stated above, the letter No. CGRF/3384-85 dated 9.8.2006 issued by the Chief Engineer & Member, 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.

(Shaik Ahmed)
Ombudsman

1. Shri N.S.Goudar, near Gorabala Nakada, Ilkal, 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