

**Before the Ombudsman  
Karnataka Electricity Regulatory Commission  
Bangalore**

**Present: S.D.Ukkali  
Ombudsman  
Case No.OMB/M-59/10/7712  
Dated 29.01.2010**

Smt.Irene Averal D'Souza,  
W/o Edwin N.D'Mello,  
Shalom, H.No.4-49(2), Hosahithalu,  
Galijara Road, Kinnigoli Post,  
**MANGALORE-574-150**  
Dakshina Kannada District

.. Complainant

**Vs**

1. Mangalore Electricity Supply Company (MESCOM)  
Represented by its  
Asst. Executive Engineer(Elc)  
O & M Sub Division.  
MESCOM, Jodu Marga,  
**Bantwal,**  
Dakshina Kannada District

2. The Consumer Grievance Redressal Forum (CGRF)  
MESCOM Corporate Office,  
Paradigm Plaza, A.B.Shetty Circle,  
**MANGALORE**

.. Respondents

**I.** This is an appeal complaint filed by the above mentioned Complainant under provisions of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 directed against the Order No. 26.06.2009 passed by the 2<sup>nd</sup> Respondent.

**II.** The brief facts of the case are as follows:

The Complainant is the resident of Chelur village of Bantwala Taluk and an electrical connection was extended on 4.3.2008 with RR No.71778. The Complainant

has alleged that the 1<sup>st</sup> Respondent and the concerned Divisional staff have erred on several occasions by issuing erroneous and bloated bills and it is also complained that the bills were not issued on the stipulated date of issue. The Complainant has further complained that despite several objections, both oral and in writing, the Licensee Respondent did not heed to the complaints and the lapses continued.

The Complainant in his complaint has stated that the 1<sup>st</sup> bill dated 09.12.2008 was issued for Rs.1748/- for 381 units. On filing a complaint with MESCOM authorities of Bantwal, the same bill was revised to Rs.1148/- on 17.1.2009. On another occasion, a bill was issued for Rs.1873 for 38 units and on filing complaint with the MESCOM authorities, the same was revised to Rs.114/-. Again, a bill was issued on 12.03.2009 for Rs.186/- which was further scaled down to Rs.176/- after a complaint was lodged. In yet another case, the bill was revised from Rs.212/- to Rs.163/- after lodging of an objection.

Since the Licensee Respondent did not take any remedial measures to issue correct bills within the stipulated period, the Complainant filed a petition before the 2<sup>nd</sup> Respondent on 22.04.2009. The Complainant has stated that she has visited the Licensee Respondent's office at least on 4 occasions and has made number of telephone calls to get her grievance redressed but no redressal was forthcoming from the Licensee Respondent. She had claimed that each visit to the office of the Licensee Respondent and many phone calls made have costed her Rs.600/- each time and had claimed that Rs.2400/- be reimbursed to her considering the 4 visits. She had further demanded a compensation of Rs.4000/- for the mental agony and harassment meted out to her by the Licensee Respondent.

The 2<sup>nd</sup> Respondent, after hearing both the parties, has concluded in its order No.  $\alpha \text{AA} \ll \text{PA/UA} \text{PA.PE.} \alpha \text{A} \text{V}/09-10 \text{ } \text{E} \text{AAPI} \text{ } 26.06.2009$  that the officers of the Licensee Respondent have already taken remedial action in the matter and the 2<sup>nd</sup> Respondent has accepted the undertaking given by them that there would be no recurrence of such lapses to the consumers. The 2<sup>nd</sup> Respondent has refused to give any sort of monetary

relief in the matter and has further cautioned the officers of the Respondent Licensee to be careful in the matter of meter reading and issuance of accurate bills.

**III.** Aggrieved by the above order passed by the 2<sup>nd</sup> Respondent, the Complainant has filed the present complaint before this Authority on 11.08.2009 on the ground stated above and has prayed that the order of the 2<sup>nd</sup> Respondent insofar as it pertained to the financial aspects be set aside and the following relief be granted.

**IV.**

**PRAYER**

Compensation for her losses as per Rules and Regulations stipulated under "Schedule -1 of Standards of Performance and amount to be paid to consumers for default in each case" Sl.No.11 i.e. Rs.50/- per day as compensation from 23.12.2008 to 20.5.2009 on minimal ground.

**V. 1<sup>st</sup> Respondent's Contention:**

In response to this Office letter No.OMB/M/G-59/09/6948 dated 12.08.2009, the 1<sup>st</sup> Respondent has submitted his parawise remarks vide his letter No. ρΑΕ:©nAiÄ~i: ρÄÄD:3133 ϕ ΕΑΑΡΑ 15.09.2009. In the above letter, the 1<sup>st</sup> Respondent has accepted that revised bills were issued on many occasions and has further stated that reading and billing in respect of the above installations is now going on efficiently and that there are no differences. He has further stated in the above letter that suitable instructions have been issued to all the concerned officials and contractors of the jurisdiction to pay special attention to avoid the complaints from the Complainants in future.

**VI. Maintainability:**

1. In terms of the Regulation 21.2 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, the Complainant has to make a representation before the Ombudsman within 30 days from the date of receipt of the order of the

Forum provided that the Ombudsman may entertain a representation after the expiry of the said period of 30 days if he is satisfied that there was sufficient cause for not filing within the said period. But as per the Form B prescribed for registering the complaint, it is noted that the prescribed time limit is said to be one year as per provisions of 11.3(a) and (b) of the Ombudsman Regulations. But 11.3(a) and (b) do not exist in the Regulations.

2. The order is passed on 26.06.2009 by the 2<sup>nd</sup> Respondent and the appeal complaint is filed on 11.08.2009 within one year. This appeal, as per the time limit prescribed in Form B, is maintainable.

### **VII. Settlement by Agreement.**

The Complainant and the 1<sup>st</sup> Respondent were asked, vide letter No.OMB/M/G-59/09/7127 dated 16.09.2009, to explore the possibilities of settlement by conciliation and mediation and inform this office by 30.09.2009. The Complainant, vide her letter dated 24.09.2009, informed this office that a mutual agreement has been reached between her and the 1<sup>st</sup> Respondent and requested this Authority to close the subject appeal. Accordingly, a letter dated 5.10.2009 was addressed to the Complainant by this office, with a copy marked to the 1<sup>st</sup> Respondent, to file a Joint Memo to enable this office to pass an order in the matter. Accordingly, an amicable settlement on humanitarian ground has been reached and Joint Memo dated 02.11.2009, signed by both the parties, is filed in this office.

The contents of the Joint Memo is reproduced herein:

### **VIII. "JOINT MEMO**

1. Respondent acknowledged all the faults occurred since the beginning to date and as detailed in MESCOM – CGRF letter No. 10/09-10 dated 26.06.2009 attached to covering letter dated 29.06.2009. He also apologized once again for the same.

2. Respondent requested claimant to wipe out the financial claim of Rs.6400/- sympathetically which was ignored in the MESCOM CGRF – Mangalore Order dated 26.06.2009.
3. Respondent also requested to clear from the claim kindheartedly, made in the appeal to KERC Ombudsman- Bangalore.
4. Respondent also agreed and promised on behalf of MESCOM – Bantwal Section that, henceforth AEE and respective staff concerned will look into all the consumer complaints and electrical problems seriously so that consumers will face no more harassment and or humiliation.
5. Based on all above commitments and assurances given by AEE (Assistant Executive Engineer - Bantwal Division), the Claimant accepted and agreed to withdraw the appeal from Ombudsman Bangalore on a humanitarian ground, provided that no such situations will reoccur any more to any of the consumer in the area.

The claimant respectfully requests the hon'ble Ombudsman to ask the MESCOM – CGRF Mangalore to upload the final Order of this appeal on Consumer Grievances Website as they do with regard to all other cases. This will facilitate the Consumer get awareness about the process of Ombudsman in case they feel offended by the CGRF Orders.

The claimant and the respondent request the Commission to pass Orders in terms of this Memo.

Sd/-

Irene Averal DSouza  
W/o Edwin N.Dmello  
**Claimant**

Sd/-

Assistant Executive Engineer  
MESCOM – Bantwal Sub Division  
**Respondent"**

Having regard to the facts of the case and request made by both the parties to pass order in terms of the Joint Memo, the case is disposed off as follows:

**IX.**

**ORDER**

The Order is passed in terms of the Joint Memo filed and the 2<sup>nd</sup> Respondent shall upload this order on its website.

(S.D.Ukkali)  
Ombudsman

TO:

- 1.Smt.Irene Averal Dsouza, W/o Edwin N.Dmello, "Shalom", H.NO.4-49(2), Hosahithalu, Golijara Road, Kinnigoli Post, Mangalore-574150.
2. Consumer Grievance Redressal Forum, MESCOM, Paradigm Plaza, A.B.Shetty Circle, Mangalore.
3. The Asst.Executive Engineer(Ele), O & M Sub Division, MESCOM, Jodu Marga, Bantwala, Dakshina Kannada District.
4. The Managing Director, MESCOM, Paradigm Plaza, A.B.Shetty Circle, Mangalore.
6. PS to Hon.Chairman, KERC
7. PS to Hon.Member(H), KERC
8. PS to Hon.Member(S), KERC
9. PS to Secretary, KERC
10. Director(Tariff)
11. Deputy Director(Legal)
- 12, OCA











