



Before the Electricity Ombudsman
9/2, 6th Floor, Mahalakshmi Chambers, M.G.Road,
Bangalore

Present: B.R.Jayaramaraje Urs, IAS (Retd.)

Electricity Ombudsman

Case No.OMB/C/G-137/2012/88

Dated 27.07.2012

BETWEEN

M/s.VIMA Rubbers Private Limited,
 No.143-B, Belagola Industrial Area,
 Metagalli,

MYSORE-16

(Represented by Sri K.S.Ganesh, Advocate -
Authorised Representative)

.. Appellant

Vs

1. Assistant Executive Engineer,
 O & M Sub Division,
 Chamundeshwari Electricity Supply Corpn.Ltd.,
 V.V.Mohalla,
 Mysore

(Represented by Shri H.V.Devaraj, Advocate)

2. Consumer Grievances Redressal Forum (C.G.R.F)
 #1633, Annapoorneshwari Complex, 1st Cross, Anikethana Road, (North),
 P & T Block, Kuvempunagar,
Mysore-570023

.. Respondents

1. The Appellant, through its Legal Counsel, had filed an appeal before the Electricity Ombudsman (No.OMB/C/G-137/2012) against the order passed by the CGRF, CESC, Mysore. The Appellant, besides regular prayer, fearing disconnection, had requested for issue of an Interim Order. To consider the above request, an hearing was fixed at 12.00 Noon on 26.07.2012 in the office

of the Electricity Ombudsman and notices were issued to both the parties to attend the hearing.

2. While Shri K.Ganesh, Advocate, appeared on behalf of the Appellant, Shri H.V.Devaraj, Advocate, represented the Respondent Licensee and advanced their respective arguments.

3. During the hearing, the Advocate for the Respondent Licensee argued that the 1st Respondent had strictly complied with the directions issued by the 2nd Respondent and that the action taken were appropriate and lawful. He further added that in respect of the interest, the 1st Respondent had levied 2% interest as per ESR 1988 which was in vogue at that time and after the advent of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka, 1% interest had been levied. This was strictly in accordance with the Regulations stipulated by the KERC. He stated that since the endorsement issued by the 2nd Respondent had not been challenged by the Appellant before this Authority, this Authority does not get the jurisdiction to proceed further in the matter. The Advocate said that the Appellant was wrongly interpreting the order passed by the Hon.High Court and that the 1st Respondent had not violated the order passed by the Hon.High Court in any manner.

4. The Advocate for the Appellant contended that since the Hon.High Court had stated that action should be taken as per Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka, only 1% interest should be charged for the entire period including the period prior to the coming into force of COS. He also stated that when the Appellant approached 2nd Respondent for the 2nd time on 27.06.2012 after duly following the procedure laid down by law (by filing Form "A"), the Chief Engineer/Chairperson has only issued an endorsement dated 28.06.2012 instead of issuing a formal speaking order. This is a clear-cut violation of the Regulations stipulated by the KERC and is bad in the eyes of law.

5. On a careful study of the records made available to this Authority and, after hearing the arguments advanced by both the parties, it emerges that the 2nd Respondent has not applied its mind properly to the facts of the case. When the Appellant had, for the 2nd time, filed a petition before the 2nd Respondent after following the procedures laid down, it was the bounden-duty of the 2nd Respondent to admit the case, issue notices to the contending parties, conduct hearings, record the proceedings and issue a formal speaking order. It is abundantly clear that this has been given a go-by in this case and only an endorsement has been issued. Hence, the following order.

ORDER

The 2nd Respondent is hereby directed to admit the above case and pass a formal speaking order immediately duly following the procedures laid down in this respect and after giving opportunity to the Appellant. In case the Appellant requests for issue of an Interim Order, the same may be done strictly in accordance with the law.



(B.R. Jayaramaraje Urs)
Electricity Ombudsman

1. M/s. Vima Rubbers Private Limited, No.143-B, Belagola Industrial Area, Metagalli, Mysore-16 (through its Legal Counsel, Shri K.S. Ganesha, Bangalore)
2. Assistant Executive Engineer, O & M Sub Division, CESC, V.V. Mohalla,, Mysore.
3. Consumer Grievance Redressal Forum, CESC, #1633, Annapoorneshwari Complex, 1st Cross, Anikethana Road (North), P & T Block, Kuvempunagar, Mysore-570023
4. Managing Directors of all ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member(H), KERC
7. PS to Hon. Member(S), KERC
8. PS to Secretary, KERC
9. OCA