

Before the Ombudsman, K.E.R.C., Bangalore

Present: S.D.Ukkali

Ombudsman

Case No.OMB/C/G-63/09/7270

Dated 29.10.2009

Shri T.P.Manjunath
S/o T.N.Panduranga Rao,
Harish Silks and Sarees,
Gandhi Bazaar

SHIMOGA-577202

.. **Complainant**

Vs

1. Mangalore Electricity Supply Company Ltd.,
represented by its
Asst. Executive Engineer (Ele),
1st O & M Sub Division
SHIMOGA.

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

3. The Superintending Engineer &
Appellate Authority, Works Circle,
C.E.S.C. Jodi Basaveshwara Road,
Kuvempunagar,
MYSORE

.. **Respondents**

This is an Appeal Complaint filed by the above mentioned Complainant under the provisions of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 directed against the Order No. CEA(«)/G-63/09/7270 dated 28.02.2009 passed by the 3rd Respondent and the letter No. «/PA/«(«ÁzKE) / 4530/09-10/5393-95 dated 14.07.2009 of the 2nd Respondent.

The brief facts of the case are as follows:

The Complainant availed temporary electrical connection for his premises bearing RR No.TPB 1544 for construction of the building. It was observed that though the load sanctioned was 1.00 kW, the Complainant was using 2.406 additional kW unauthorisedly as observed by the AEE Vigilance Squad, MESCOM along with the 1st Respondent on 28.09.2005 during the inspection of the premises. It is stated that the representative of the Complainant who was present at the time of inspection of the installation, one Shri T.N.Panduranga Rao and the Electrical Contractor, Shri Chelubaraju, have signed the mahazar conducted during the inspection.

In accordance with the provisions of the Conditions of Supply of Electricity, a demand for a period of 6 months amounting to Rs.14779/- as back billing was served on the Complainant. Thereupon, the Complainant filed a case with the District Consumer Disputes Redressal Forum at Shimoga vide Complaint No.74/2009. The District Consumers Disputes Redressal Forum passed an order dismissing the complaint **"as not maintainable."** As per provisions of Section 127 of the Electricity Act, 2003, the Complainant filed an appeal with the Appellate Authority of CESC (3rd Respondent). The 3rd Respondent, considering the appeal partially, passed an order reducing the back billing to 3 months period instead of 6 months.

Aggrieved by the above Order, the Complainant filed a complaint before the 2nd Respondent and received a reply by a letter No. PIA/2009/4530/09-10/5393-95 dated 14.07.2009 that the CGRF has no jurisdiction to entertain the complaint as the case was booked as per the provisions of Section 126 of the Electricity Act, 2003 and the appeal has been heard and partially settled. Thereupon, the Complainant filed the present Appeal Complaint before this Authority seeking to quash the order passed by the 3rd Respondent and to direct the 1st Respondent to refund the back billing charges already paid and to pay compensation of Rs.1.00 lakh for having caused mental agony to the Complainant.

ANALYSIS AND FINDINGS

The 3rd Respondent was addressed to furnish his parawise comments on the appeal complaint filed by the Complainant and the 3rd Respondent furnished his

comments vide letter No. CEA/G-63/09/7094 dated 18/19.08.2009.

Having regard to the facts of the case, it was clear that the case was booked under the provisions of Section 126 of the Electricity Act, 2003 as "**unauthorized use of electricity**" and hence CGRF has no jurisdiction as per definition (g) under Regulation 2 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004. Bringing these facts to the notice of the Complainant, a letter was addressed vide No.OMB/C/G-63/09/7094 dated 09.09.2009 advising him to submit his comments, if any, within 25.09.2009 clarifying under what provisions of the law this Authority can entertain this appeal Complainant. The Complainant has not brought out any specific provision of law to entertain this appeal complaint. Since CGRF, MESCOM has no jurisdiction, the appeal to this Authority is not maintainable. Hence the following Order:

ORDER

Having regard to the facts of the case and the circumstances explained above, the appeal complaint filed by the Complainant **is dismissed for lack of jurisdiction.**

(S.D.Ukkali)
Ombudsman

TO:

1. Shri T.P.Manjunath, S/o T.N.Panduranga Rao, Harish Silks and Sarees, Gandhi Bazaar, Shimoga.
2. The Consumer Grievance Redressal Forum, MESCOM Corporate Office, Paradigm Plaza, A.B.Shetty Circle, Mangalore.
3. The Superintending Engineer & Appellate Authority, Works Circle, C.E.S.C. Jodi Basaveshwara Circle, Kuvempunagar, Mysore
4. The Asst. Executive Engineer, 1st O & M Sub Division, Shimoga.
5. The Managing Director, MESCOM Corporate Office, Paradigm Plaza, A.B.Shetty Circle, Mangalore.
6. The Managing Director, CESC, Saraswathipuram, Mysore.
7. PS to Hon'ble Chairman / PS to Hon'ble Member(H) / PS to Hon'ble Member(S) / PS to Secretary / Director(Tariff) / Consultant (Legal) / OCA

