

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

Present: B.R.Jayaramaraje Urs, IAS
Electricity Ombudsman
Case No.OMB/M/G-113/2011/10963
Dated 16.09.2011

Between

Sri G.Shivamurthy,
Mallikarjuna Nilaya,
K.M.Road, Subash Nagar,
KADUR
Chickmagalur District

.. **Appellant**

Vs

1. Asst.Executive Engineer,
O & M Sub Division,
MESCOM,
KADUR
Chickmagalur District

2. Consumer Grievance Redressal Forum (CGRF),
MESCOM Corporate Office,
Paradigm Plaza, A.B.Shetty Circle,
MANGALORE-570001

.. **Respondents**

This is an appeal under the provisions of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004 against the orders passed by the 2nd Respondent vide No. 21A/UA/P&A.P/E.21A/8/10-11 dated 28.03.2011 (hereinafter referred to as 'Forum') in respect of the Appellant's grievance relating to back billing for Rs.3072/- in respect of his electrical installation bearing R.R No. AEH 359 on the ground of slow recording of the meter. The Forum partly allowed the representation and directed the Asst.

Executive Engineer (Ele), Kadur Sub-Division (hereinafter referred to as the 1st Respondent) to prepare a revised back bill under Clause 27.04 (i) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka and serve on the Appellant within 15 days from the date of passing the order. Being aggrieved with the Forum's order (the impugned order), the Appellant has submitted his case as under.

The Appellant is an electricity consumer and using electricity for domestic purposes. The Appellant's house is located on K.M.Road, Subashnagar, Kadur and electric installation bearing R.R No. AEH 359 stands in the name of the Appellant. Level-2 team which inspected the meter on 30th June 2008 found that the meter had a 60% slow recording and based on this report, the 1st Respondent issued a bill for Rs.3072/-. Since the Level-2 team had failed to follow the inspection procedure, the Appellant did not accept the short claims of MESCOM for Rs.3072/- and filed a complaint against MESCOM before the Forum against back billing. The Forum, considering the pleas of the Appellant, passed an order partly accepting the contentions of the Appellant. The Forum in its orders directed MESCOM to issue a revised bill within 15 days from the date of passing of the orders. Not satisfied with the Forum's order, the Appellant filed this appeal.

The Appellant in his appeal memo has submitted that MESCOM officials had not followed the procedure laid down under Clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka before making supplemental claims. MESCOM without issuing 15 days notice, all of a sudden and, after a lapse of two years had issued back bill.

As per clause 27.03 (iii) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka, Testing Staff(Level-2 staff) during testing should have drawn mahazar and obtained the signature of the Appellant for witnessing the test and also agreeing to pay the back billing charges in case of slow recording of the meter. But MESCOM, in the present case, had not followed this procedure. After Appellant filed a complaint before the Forum, MESCOM officials, at the time of hearing, took the signature of the Appellant on Book No 4 of M.T Section and produced this document as piece of evidence. MESCOM had taken the signature of the Appellant in a routine manner like any

other consumer. Further, MESCOM officials in the said document overwrote and inserted the word "Sticky" and had used different ink for overwriting. The ink used for overwriting is different from the one used earlier i.e. in Book No 4. This, they have done deliberately to justify the back billing.

The Forum during hearing had objected to the remarks like "Sticky" and "the meter had 60% slow recordings" made in the Meter Testing Report. Further, the Forum in its order had observed that when meter was sticky, it was difficult to find out the exact percentage of error. Though the Forum had observed in its order that MESCOM had not followed the procedure laid down under Clause 29.03 and 27.03 (iii) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka, but still it had not considered his contentions fully and hence he had filed this appeal. The Appellant finally prayed the appellate authority to declare him not liable to pay Rs.3072/-.

Notices were issued to the parties to appear before this Authority on 16th August 2011. On the 1st date of hearing, the Appellant failed to appear. However, the Respondents, Asst Executive Engineer and Senior Asst (Electrical) were present. Case was adjourned to 2nd September 2011 and, on this day, the Appellant again remained absent and the Respondents made their appearance. A final notice was issued to the Appellant to appear on 14th September 2011.

After this Adjournment, the Appellant sent a letter to this office dated 30th August 2011 (received in this office on 5th September 2011) stating that he had come to know of the hearing of the case and that he had discussed the appeal matter in person with the Asst Executive Engineer (Electrical) Kadur and, hence, his appeal might be treated as closed.

The Respondent, Asst Executive Engineer, along with the senior Asst appeared on 14th September 2011 and submitted that, as per the Forum's order, MESCOM had replaced the faulty meter and, taking following 3 months average, it had found a difference of 94 units for 6 months and, for this differential units, MESCOM issued a revised bill for Rs.255/- on 6th April 2011 and the Appellant had paid this amount on 28th April 2011 and since the

grievance of the appellant had been redressed to his satisfaction, this Authority could pass orders accordingly.

In view of the fact that MESCOM has taken necessary steps to redress the grievance of the Appellant and since the Appellant has endorsed that his grievance had been addressed vide his letter dated 30th August 2011, this Authority proceeds to pass the following orders:

ORDER

In view of the fact that the grievance of the Appellant has been redressed by MESCOM, the appeal is treated **as disposed** in terms of the above.

(B.R.Jayaramaraje Urs)
Electricity Ombudsman

1. Shri G.Shivamurthy, Mallikarjuna Nilaya, K.M.Road, Subash Nagar, Kadur, Chickmagalur District.
2. Assistant Executive Engineer, O & M Sub Division, MESCOM, Kadur, Chickmagalur District.
3. Consumer Grievance Redressal Forum, MESCOM Corporate Office, Paradigm Plaza, A.B.Shetty Circle, Mangalore.
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

