



D-556

BEFORE THE ELECTRICITY OMBUDSMAN

9/2, 6th Floor, Mahalakshmi Chambers, M.G.Road, Bangalore – 560 001

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

Case No.OMB/M/G-220/2015

Dated 20th August 2015

Sri N.Ganesh Kamath,
Saraswati Sadana,
Near sanoor Guttu Road,
Sanoor P.O
Karkala Taluk-574114

... Appellant

(By Sri Ramesh Shenoy, Authorized Representative)

V/S

1. The Assistant Executive Engineer(EI)
MESCOM, Karkala sub-Division
Karkala

(Party in person)

2. The Chairperson
CGRF, Udipi District,
Office of the Superintending Engineer,
O&M Circle MESCOM,
Ashwini Complex, Amalpady,Udupi

... Respondents

1. This is an appeal under Regulation 22.02 of KERC(CGRF& Ombudsman) Regulations,2004 against the order passed by CGRF, Udipi District, Udipi vide order No MESCOM/CGRF/04/14-15/16/dated 09.04.2015 with regard to the appellant's complaint regarding supplementary claims made by MESCOM for Rs. 2344/-.

2. The 1st Respondent comments were called vide letter No OMB/M/G-220/2015/D-527 dated 29.06.2015. In pursuance to this, the 1st Respondent has filed his statement of objections vide letter dated 07.07.2015.

3. Both parties were informed vide this office letter No OMB/M/G-220/2015/D-543 dated 28.07.2015 regarding availability of Sub-Regulation 20(1) of KERC(Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004, which both parties have not availed. Hence, this Authority proceed to pass the order based on the merits of the case.

4. In the instant case, the AEE(EI), O & M Sub-division, Karkala, on the basis of audit report, made a short claim for Rs. 2232/- in respect of installation bearing R.R No 5010 belonging to the appellant. The audit staff during the verification of Appellant's dossier observed that AEE(EI) had wrongly calculated average energy consumption. It observed that instead of taking three months average energy

consumption preceding the inspection and billing for six months had taken six months average preceding the inspection and billed for six months which resulted in a difference of 20 units per month and cumulative difference of 519 units for 20 months from 05/2012 to 01/2014. Therefore advised the O&M Sub-Division to make a supplementary claim and collect the difference amount of Rs. 2232/- from the appellant.

5. The appellant in his appeal has faulted licensee taking three months average for billing and maintained that MESCOM can back bill only for 6 months preceding the date of inspection and back billing for 20 months is illegal and hence he is not liable to pay the back bill.

6. Case was heard on 18.08.2015. On behalf of the appellant, his authorised representative Shri Ramesh Shenoy argued the case. The 1st Respondent Shri Narayan Nayak, AEE(EI) O & M Sub-Division, Karkala personally appeared and advanced his arguments.

7. From the arguments and from the perusal of records, it is seen that the 1st Respondent had earlier taken six months average energy consumption preceding the inspection and billed for 20 months from 05/2012 to 01/2014 which billing the audit held incorrect during the verification of appellant's dossier subsequently. The audit advised the AEE(EI) to take three months average preceding the inspection and bill for 6 months as per Regulation 27.04 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka.


Accordingly, O&M Sub-Division has issued a supplementary bill for Rs. 2344/- which covered six months preceding the date of inspection and also covered 14 months following the date of inspection till the date of replacement of defective meter i.e January 2014.

8. The Licensee, during the hearing let the appellant know that it had billed for 20 months which covered 6 months preceding the date of inspection and 14 months following the date of inspection till the date of replacement of defective meter. The appellant appeared satisfied with the explanation given by the Licensee. Otherwise also, the appellant's contention that MESCOM can back bill only for a period of 6 months preceding the date of inspection and back billing for 20 months is illegal is not borne out by the facts as MESCOM has rightly taken three months average energy consumption preceding the date of inspection as per the audit report and back billed for the preceding six months from the date of inspection. Since the existing meter was not replaced till March 2014, MESCOM has taken 293 units adopted for billing six months preceding the inspection for billing post inspection period also i.e. March 2014. MESCOM has billed for 20 months which included six months period preceding the inspection and 14 months period following the inspection. Average adopted for billing the post inspection period is seen to be as per law and cannot be faulted. Hence this Authority does not see any strong grounds to interfere in the order passed by the CGRF. Therefore, all the

contentions of the appellant are hereby rejected. Hence, the following order:

ORDER

For the foregoing reasons, the appeal is dismissed.


(B.R.Jayaramaraje Urs)
Electricity ombudsman

To :

1. Sri N.Ganesh Kamath, Saraswati Sadana, Near sanoor Guttu Road, Sanoor P.O, Karkala Taluk-574114
2. The Assistant Executive Engineer(EI), MESCOM, Karkala sub-Division, Karkala, Udupi District.
3. The Chairperson, CGRF, Udupi District, Office of the Superintending Engineer, O&M Circle MESCOM, Ashwini Complex, Amalpady,Udupi
4. Managing Directors of ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon'ble Member (A), KERC
7. PS to Hon'ble Member (M), KERC
8. Secretary, KERC