



D-559

BEFORE THE ELECTRICITY OMBUDSMAN

9/2, 6th Floor, Mahalakshmi Chambers, M.G.Road,Bangalore-560001

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

Case No.OMB/M/G-221/2015

Dated 26th August 2015

Smt. Nagarathna Rao
W/o Dr.Subramanya Rao,
R/O Spandana Clinic,Mangalore Road,
Karkala Kasaba Village,KarkalaTaluk
Udupi District-574104

... Appellant

(Sri Jagadish for appellant)

V/S

1) The Assistant Executive engineer(EI),
O&M,Karkala,MESCOM,Udupi District

(Party in person)

2) The Chairperson,
CGRF, Udupi District,
S.E(EI) O&M Circle,
NH-66,Ashwini Complex,
Ambalpadi,Udupi-576103

... Respondents

1. This is an appeal under Regulation 22.02 of KERC(CGRF & Ombudsman) Regulations,2004 against the orders passed by CGRF, Udupi District, Udupi vide order No MESCOM/CGRF/)2/14-15/170 dated 09.04.2015 with regard to the appellant's complaint regarding issue of back bill for Rs. 4,14,253 by MESCOM for a period of 6 months preceding the date of inspection on the grounds of purported slow recording of meter by 65.5%.

2. Aggrieved by the orders passed by the 2nd Respondent, the appellant has submitted her case as under:

3. The appellant is running a 25 bedded Hospital at Karkala. MESCOM sanctioned 38 kW power at the request of the appellant. Installation was serviced on 19.09.2002 and assigned R.R No 65087. Later in 2012, the appellant constructed second & third floor for running a Para Medical Science college. The appellant utilised 38 kW power sanctioned earlier for running Hospital and Para Medical Science College. The appellant used the appliance as specified by the AEE(EL) and met the Electrical standards. When things stood at this, LT Rating Sub-Division, MESCOM inspected the appellant's installation on 10.03.2014 and observed slow recording of meter by 65.5%. Based on this finding, the AEE(EI) issued a back bill for Rs. 4,14,253/-.

4. Aggrieved by the back billing, the appellant filed a complaint before CGRF after depositing 50% of the disputed amount.

5. The appellant, in her complaint, before the CGRF had specifically stated that she shifted the Hospital and Para Medical college because of cut throat competition resulting in very few patients visiting the Hospital and wards not being occupied to the full capacity. Hence, the consumption of electricity proportionately decreased in the 1st, 2nd and 3rd floors of the building.

6. Further, the LT Rating Sub-Division has prepared a report without visiting the appellant's Hospital premise sitting in Udupi. While the Appellant's installation consumed 6000 units of power per month, the AEE(EI) issued a back bill for 13,000 units per month. Even subsequent testing of the meter by the Electrical Inspector (as per the direction of CGRF) and his findings that the meter had a slow recording by 58.91% is not acceptable to her and hence she is not liable to pay the back bill. Therefore, prayed this Authority to set aside the back bill issued by the 1st respondent.

7. The 1st Respondent's comments were called vide letter No OMB/M/G-221/2015/D-530 dated 08.07.2015.

8. The 1st Respondent, in his statement of objections, submitted that the LT Rating Sub-Division inspected the appellant's installation dated 10.03.2015 and observed that the meter had a slow recording

by 65.5%.Based on this report, the AEE(EI) issued a back bill for Rs. 4,14,253/- for a period of 6 months preceding the date of inspection. Aggrieved by the back bill, the appellant filed a complaint before the CGRF after depositing 50% of the disputed amount. The CGRF during the pendency of the case, got the meter tested by an Electrical Inspector who reported 58.91% slow recording of the meter and also suggested installation of a parallel meter. CGRF accepted the report and passed orders. On the basis of CGRF's order, the AEE(EI) issued a back bill for 58.09% slow recording of the meter i.e. from 10.09.2013 to 27.08.2014 on 20.06.2014 and also installed a parallel meter which is in conformity with the CGRF's Order and hence urged this Authority to dismiss the appeal.

9. Both parties were informed vide this office letter No. OMB/M/G-221/2015/D-542 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 proceeds to pass order on merits.

10. The case was taken up for hearing on 12.08.2015 and arguments from both sides came to be concluded on 18.08.2015. On that day, on behalf of the appellant, her Authorised Representative, shri Jagadish appeared and concluded his arguments and the 1st Respondent, AEE(EI), Shri Narayana Naik made an appearance and concluded his arguments. Both parties, during the hearing, reiterated

the submissions made in the appeal memo and statement of objections respectively.

11. Having regard to the contending positions of the parties, the issues that emerges for our consideration are “ (1) whether the revised back bill issued by the 1st respondent is in accordance with the law and (2) whether the impugned orders passed by the CGRF based on Electrical Inspector's report is correct”?

12. In the instant case, the appellant, assailing the back bill issued by the 1st respondent, argued that she had shifted her Para Medical college and Hospital from the existing building to some other place as number of patients visiting the Hospital came down. Because of shifting, there was not much activity in the 1st, 2nd and 3rd floor of the building, yet MESCOM issued back bill on the grounds of slow recording of meter by 65.5%.The appellant argues that there were no complaints regarding the slow recording of the meter at any point of time and the LT Rating Sub-Division without really conducting any Meter test and sitting in Udupi sent a report to the 1st respondent alleging slow recording of meter by 65.05 %.


13. From the verification of the LT Rating Sub-division's report, it is not clear whether the appellant or his representative was present during the inspection and attested his/ her signature on the report. However, it appears that the appellant did not accept the report and complained to CGRF regarding the back billing on the alleged slow

recording of the meter. CGRF, after admitting the complaint, is seen to have referred the meter to the Electrical inspector for impartial testing of the meter and submit report. The Electrical inspector is seen to have conducted meter testing and submitted his findings observing slow recording of meter by 58.91%.

14. In the instant case, subject meter appears to have been subjected to testing twice. First by the LT Rating Sub-Division and second time by the Electrical inspector at the instruction of CGRF. Both tests have indicated slow recording of meter with some slight variation in percentage. First test indicates slow recording by 65.5% and second test by 58.91%. Electrical Inspector, being a third party, his findings should generally be accepted by both parties. In the instant case, the appellant has not given any cogent reasons why the Electricity Inspector's report is unacceptable to her. The appellant's reasons that she shifted her Hospital and college to some other place for business reasons and hence the meter could not have been slow recorded is devoid of any logic. There is no connection between the appellant shifting the Hospital and college to some other place and the slow recording of the meter. The latter is because of the malfunctioning and nothing to do with shifting of College and Hospital by the appellant. Hence, the reasons assigned by the appellant for rejecting the Electrical Inspector's Report is unacceptable and hence rejected. This authority does not see any strong reasons to interfere in the orders passed by the CGRF based on Electrical Inspector's inspection report. Hence, the following orders:

ORDER

For the foregoing reasons, the appeal is dismissed.


(B.R.Jayaramaraje Urs)
Electricity Ombudsman

To :

1. Smt Nagaratna Rao, W/o Dr.Subramanya Rao, Spandana Clinic, Mangalore Road, Karkala Kasaba Village, Karkala Taluk, Udupi District-574104.
2. The Assistant Executive engineer(EI), O&M, Karkala, MESCOM, Udupi District.
3. The Chairperson, CGRF, Udupi District, Office of the Superintendent Engineer O&M Circle, NH-66, Ashwini Complex, Ambalpadi, Udupi-576103.
4. Managing Directors of ESCOMs
5. PS to Hon'ble Chairman, KERC
6. PS to Hon'ble Member (A), KERC
7. PS to Hon'ble Member (M), KERC
8. PS to Secretary, KERC