



D-549

## 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/H/G-217/2015

Dated 7<sup>th</sup> August 2015

Nandishkumar Nagappa Gujamagadi  
KHB Colony, LIG 281, Radhakrishna Nagar,  
Malgund Road,  
Gadag

... Appellant

(Party in person)

V/S

1. The Assistant Executive Engineer(EI)  
O&M Rural Sub-Division, HESCOM,  
Malagund Naka, Gadag

(Sri Chandrakant Halikeri, RSO for AEE)

2. The Chairperson,  
CGRF,  
O/o of the Executive Engineer,

O & M Division,  
Mulgund Naka, HESCOM,  
Gadag

... Respondents

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1. This is an appeal under clause 22.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by the CGRF, Gadag District, HESCOM vide order No. G/CF/2014/6899-910 dated 31.12.2014 with regard to appellant's complaint regarding back billing by HESCOM for Rs. 6653/-.

2. The 1st Respondent's comments were called vide letter No. OMB/H/G-217/2015/D-517 dated 12.06.2015. In pursuance to this, the AEE(EI) filed his statement of objections vide letter dated 02.07.2015.

3. Both parties were informed vide this office letter No OMB/H/G-217/2015/D-540 dated 27.07.2015 regarding availability of Sub-Regulation 20(1) of KERC (consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004, which both parties have not availed. Hence, I am proceeding to pass an order in this matter.

4. In the instant case, the appellant had applied for sanction of 500 watts of power under LT-3 tariff schedule in August, 2011. After satisfying that the appellant had fulfilled all the conditions of supply, HESCOM sanctioned 500 watts of electricity under LT-3 tariff schedule but went on billing under LT-2(a) tariff schedule till a Lineman

discovered this mistake. HESCOM had issued bill under LT-2(a) tariff for 34 months from 01.10.2011 to 01.08.2014. After coming to know of the mistake, HESCOM advised the appellant to pay the difference of LT-3 and LT-2(a) tariff i.e Rs. 6653/-. As the appellant failed to pay the back bill, HESCOM disconnected power supply to his installation.

5. The appellant during the hearing admits that he has availed power supply for commercial purposes under LT-3 tariff schedule and pleads his inability to pay the arrears on account of business loss due to power disconnection to his shop. He has faulted HESCOM for not issuing correct bill for 34 months and suddenly back billing for Rs.6653/-. Further appellant argued that it is the responsibility of the Licensee to issue correct bill to the consumer, for the fault of the Licensee, the consumer should not be coerced into paying the arrears in one go and suffer power disconnection. Hence, he urged this Authority to issue direction to HESCOM to waive the arrears and to reconnect power supply in lieu of business loss he suffered.

6. Sri Chandrakant Halikeri, Representative of HESCOM admitted that the appellant had been sanctioned 500 Watts of power under LT-3 tariff schedule and stated that because of wrong entry made by the computer operator, the appellant had been wrongly classified and billed under LT-2(a) tariff for a period of 34 months, and hence justified back billing.

7. From the arguments of both parties the issue that emerges for our consideration is “whether the claims made by HESCOM conforms to law or not”?

8. It is undisputed that HESCOM has supplied power to the appellant for commercial purposes i.e. running a shop. The contention of the appellant that he is not bound to pay the arrears for the mistake of HESCOM is legally untenable as there is a provision for adjustment of erroneous bills under clause 29.08 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. The said conditions reads as follows:

*(a) At any time during verification of the consumer's account, if any short claims caused by erroneous billing are noticed, the consumer is liable to pay the difference. The Licensee shall follow the procedure laid down under clause 29.03 in such cases for preferring the supplemental claims.*

*However, the Licensee shall not recover any arrears after a period of 2 years from the date of when such sum became first due, unless such sum has been shown continuously in the bill as recoverable as arrears of the charges of electricity supplied"*

9. Perusal of records reveals that HESCOM on the information received from its Lineman shri Sangalad that the appellant had been

wrongly billed under LT-2(a) tariff schedule instead of LT-3 tariff schedule has issued a demand for Rs. 6653/- being the difference of LT-3 and LT-2(a) tariff on 02.08.2014 which is seen to be perfectly in order. HESCOM has acted as soon as it got information from the Lineman i.e on 02.08.2014 and hence it cannot be said that claim became barred by condition No 29.08 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. The appellant was back billed as he was erroneously classified under LT-2(a) instead of LT-3 tariff. This error occurred because of the wrong entries made by the computer operator i.e wrongly classifying the appellant under LT-2(a) tariff schedule. Hence, this authority does not see any reasons to interfere in the order passed by the CGRF. Therefore the following orders:

#### ORDER

For the foregoing reasons, the appeal is dismissed.



**(B.R.Jayaramaraje Urs)**  
**Electricity Ombudsman**

To:

1. Sri Nandishkumar Nagappa Gujamagadi, KHB Colony, LIG 281, Radhakrishna Nagar, Malgund Road, Gadag
2. The Assistant Executive Engineer(EI), O&M Rural Sub-Division, HESCOM, Malagund Naka, Gadag

3. The Chairperson, CGRF, O/o of the Executive Engineer, O & M Division, Mulgund Naka, HESCOM, Gadag.

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. Secretary, KERC

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