



# Before the Electricity Ombudsman

9/2, 6<sup>th</sup> Floor, Mahalakshmi Chambers, M.G.Road,  
Bangalore

Present: **B.R.Jayaramaraje Urs, IAS (Retd.)**  
Electricity Ombudsman  
Case No.OMB/B/G-180/2014/406  
Dated 27.08.2014

Shri A.V.Rajgopal Adiga, FIE(I)  
288, 3A Cross, 2<sup>nd</sup> Block, 3<sup>rd</sup> Stage,  
West of Chord road,  
**BANGALORE-560079**

.. **Appellant**

Vs

1. The Asst. Executive Engineer(EI)  
O & M N-3 Sub Division,  
BESCOM,  
Basaveshwarnagar,  
**BANGALORE-560079**

2. The Chairperson  
Consumer Grievance Redressal Forum  
Office of the Superintending Engineer,  
BESCOM, West Circle,  
05, 3<sup>rd</sup> Stage,  
Bhimajothi HBCS Layout,  
Basaveshwarnagar,  
**BANGALORE-560079**

.. **Respondents**

1. This is an appeal under clause 21.02 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004 against the orders passed by the Consumer Grievance Redressal Forum, BESCO, Bangalore Urban District (herein after referred to as the 2<sup>nd</sup> Respondent) vide case No CGRF/17/2013-14/22.12.2014.1131-37 dated 28.05.2014 in respect of Appellant's claim for compensation for the damages caused to his domestic equipment due to variation in electricity supply. The 2<sup>nd</sup> Respondent declined to grant any relief to the Appellant. Aggrieved by the order passed by the 2<sup>nd</sup> Respondent, the Appellant has submitted his case as under:

2. The Appellant is an electrical consumer of BESCO and his installation has been serviced by the 1<sup>st</sup> respondent and has been assigned R.R No N-3EH-1196. Due to supply variation on 11.09.2013, some of his domestic equipments were damaged and, hence, claimed compensation from BESCO. The Assistant Executive Engineer (EI), N-3 Sub Division, BESCO, Basaveshwarnagar, Bangalore (hereinafter referred to as the 1<sup>st</sup> Respondent), after visiting the premises of the Appellant, remarked that the DTC which is feeding the 215 domestic installations in and around the premises had not received any high voltage complaint except from the consumer and even the meter had been intact and, hence, the Appellant was not eligible for any compensation. Aggrieved by this decision, the Appellant approached the 2<sup>nd</sup> Respondent seeking compensation for the damaged equipment and the 2<sup>nd</sup> Respondent, while agreeing with the 1<sup>st</sup> Respondent, dismissed the complaint advising the Appellant to file a complaint before

the Commission for award of compensation if he had a grievance that the damage had been caused to his domestic equipment on account of the proved lapses of the Licensee. However, the Appellant chose to file an appeal before this Authority.

3. The 1<sup>ST</sup> Respondent's comments were called vide letter No OMB/B/G-180/2014/367 dated 11.06.2014. The 1<sup>st</sup> respondent filed his objection on 23.07.2014 before this Authority.

4. The 1<sup>st</sup> Respondent in his Para wise remarks submitted that after receipt of complaint on 17.09.2013 concerned Assistant Engineer inspected the spot and found that DTC which was feeding 215 domestic installations in and around the premises had no high voltage complaint and no complaints had been received from any of the consumers except by the Appellant.

5. He further submitted that on 16.11.2013, he and the Assistant Engineer visited the spot and found the LT cable which was feeding the consumer premises and the meter in good condition. The LT cable is the primary source through which power is supplied to the consumer and, if there had been any high voltage, then the meter would have burnt out and similar damage would have caused to other 214 consumers whose installations had been fed from the same transformer and, hence, he suspected that the damage must have been occurred due to internal fault. He further added that as per clause 2(g) of KERC (Consumer Grievance Redressal Forum and Ombudsman)

Regulations, 2004, the complaints regarding accident in the distribution, supply or use of electricity as provided under Section 161 of the Electricity Act were excluded from the jurisdiction of CGRF & Ombudsman and, hence, appeal filed by the Appellant is not maintainable.

6. He further made a submission that the Appellant had also filed a complaint before the II Additional District Consumer Disputes Redressal Forum, Bangalore Urban district vide complaint No 60/2014 under the Consumer Protection Act, 1986 relating to the same issue and, during the pendency of the case before the II Additional District Consumer Disputes Redressal Forum, Bangalore Urban district, the Appellant's complaint filed before this Authority was not maintainable and, hence, is liable to be dismissed.

7. Notices were issued to both parties to appear before this Authority on 07.08.2014 to consider regarding maintainability of the appeal before this Authority. Both parties were present on that day and, during the course of the hearing, this Authority sought confirmation from the Appellant regarding the pendency of the case before the II Additional District Consumer Disputes Redressal Forum, Bangalore Urban district relating to the same issue and the Appellant confirmed pendency of the case before the II Additional District Consumer Disputes Redressal Forum, Bangalore Urban district. Hence, he was advised to withdraw the complaint pending before the II Additional District Consumer Disputes Redressal Forum, Bangalore Urban district, if he


wanted to pursue the complaint filed before this Authority or otherwise the complaint would be dismissed as not maintainable before this Authority. The Appellant sought time till 22.08.2014 to take a decision in the matter. Time was granted till 22.08.2014.

8. Case was taken up for hearing on 22.08.2014 and the 1<sup>st</sup> Respondent was present and before the hearing started the Appellant had telephoned this office and conveyed to Shri Bharath kumar, P.S to Electricity Ombudsman that he had decided to pursue the complaint pending before the II Additional District Consumer Disputes Redressal Forum, Bangalore Urban district and, hence, he was not inclined to pursue the matter before this Authority.

9. The request of the Appellant is examined in the light of provision Regulation 22.01 of the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka which states that **"No representation to the Ombudsman shall lie: -- (d) ``in cases where a representation for the same grievance by the complainant is pending in any proceeding before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court ,tribunal, arbitrator or authority"**. In the light of the admission made by the Appellant before this Authority that a case is pending before the II Additional District Consumer Disputes Redressal Forum, Bangalore Urban district with regard to the same grievance, this Authority proceeds to pass the following order:

## **ORDER**

10. For the foregoing reasons, the case **is dismissed** as not maintainable under Clause 22.01(d) of KERC (CGRF & Ombudsman) Regulations, 2004, as the case is pending before the II Additional District Consumer Disputes Redressal Forum, Bangalore Urban district with regard to the same grievance.



(B.R. Jayaramaraje Urs)  
Electricity Ombudsman

1. Shri A.V.Rajgopal Adiga, FIE(I), 288, 3A Cross, 2<sup>nd</sup> Block, 3<sup>rd</sup> Stage, West of Chord Road, Bangalore-560079.
2. Chairperson, Consumer Grievance Redressal Forum, Bangalore Urban District, Basaveshwarnagar, Bangalore.
3. The Assistant Executive Engineer (Ele), O & M N-3 Sub Division, BESCO, Basaveshwarnagar, Bangalore
4. Shri Vinayaka, Law Officer, BESCO Headquarters, K.R.Circle, Bangalore-560001.
5. Managing Directors of ESCOMs.
6. PS to Hon. Chairman, KERC
7. PS to Hon. Member (A), KERC
8. PS to Hon. Member (M), KERC
9. PS to Secretary, KERC