



D-562

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-219/2015

Dated 3rd September 2015

Sri Ranganatha M Padumukhe,
Ranganatha Electricals & Electronics,
Plot No.6-C, Sector No.10,
Navanagar, Bagalkot.

... Appellant

(Sri N.S.Malapani, Authorized Representative)

V/S

1) The Assistant Executive Engineer(EI),
O&M, City Sub-Division, HESCOM,
Sector No.25, Navanagar, Near SBI,
Bagalkot.

(Sri H.V.Devaraju, Advocate)

2) The Chairperson,
CGRF,
Office of the Superintending Engineer O&M Circle,
HESCOM,

Near Engineering College Circle, Vidyagiri,
Bagalkot – 587 102.

... Respondents

1. This is an appeal under Regulation 22.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by CGRF, Bagalkot District, Bagalkot vide order No TGK/Aa.Aa (V), Yu.Le.Si/Sale/Hisa-1/15-16/1599/1604 dated 16.05.2015

2. The case was taken for hearing on 24.08.2015. Sri H.V.Devaraju, Advocate for the 1st respondent argued that the petitioner Sri Ranganath M.Padamukhe had filed an application dated 15.04.2014 seeking information from the 1st respondent regarding levy of development charges in developed areas like Vidyagiri and city branch area, Bagalkot Sub-Division. The 1st respondent furnished information to the petitioner dated 12.11.2014. Further, the 1st respondent before the CGRF stated that HESCOM had been recovering development charges under Regulation 3.2.3(2) of KERC S & D Code. Based on this information, CGRF informed the parties that it would take decision in the matter in the subsequent meeting. In the subsequent meeting the Executive Engineer (E) before the CGRF, submitted that as per Superintending Engineer's Circular in BGK/Aa.Aa(v)/KaNiAa (ka)/Tasa-2-12/1031-33 dated 21.05.2011, he had instructed the AEE (EI) O & M sub-division, HESCOM, Bagalkot to collect development charges in under developed areas. Based on this submission, CGRF, has passed orders upholding levy of development

charges in the areas coming under Vidyagiri and City Branches, Bagalkot.

3. Advocate for the 1st respondent further submitted that the CGRF has passed the impugned order based on the application filed by the petitioner Sri Ranganath M.Padumukhe dated 15.04.2014 seeking certain information. CGRF has no jurisdiction to pass the impugned orders on the application filed by the petitioner seeking information. On the same analogy, this Authority does not get jurisdiction to deal with the appeal as the CGRF has passed orders based on the application filed by the petitioner seeking certain information and hence liable to be dismissed.

4. The petitioner is also heard. It is seen from the CGRF's impugned order that it has passed the impugned orders on the application filed by the petitioner seeking certain information. It is not clear whether the petitioner has filed Form No.A before CGRF questioning the levy of development charges in undeveloped areas and CGRF passed the orders on that basis. The CGRF appears to have treated the application filed by the petitioner seeking information as Form No.A and passed the impugned orders.

5. Prima facie it is found that CGRF has passed the impugned orders based on the application filed by the petitioner seeking certain information.

6. From the above, it appears that CGRF has passed the impugned orders without jurisdiction. CGRF cannot pass the impugned orders when the petitioner has sought certain information. Since the CGRF has passed orders wrongly assuming the jurisdiction, it is liable to be set aside. However, liberty is granted to the petitioner to file Form No.A before the concerned CGRF if he fulfills the following conditions:

(a) Should be genuinely aggrieved by the decision taken by HESCOM to levy development charges in certain areas in Bagalkot electrical sub-division,


(b) Should be a complainant under Section 2(g) of KERC (CGRF & Ombudsman Regulations), 2004 and

(c) Should be a consumer as defined under Section 2(h) of KERC (CGRF & Ombudsman) Regulations.

7. In the light of the above, this Authority proceeds to pass the following order.

ORDER

For the foregoing reasons, the appeal is dismissed as not maintainable.



(B.R.Jayaramaraje Urs)
Electricity Ombudsman

To :

1. Sri Ranganatha M Padumukhe, Ranganatha Electricals & Electronics, Plot No.6-C, Sector No.10, Navanagar, Bagalkot
2. Sri H.V.Devaraju, Advocate, No.105, 'A' Block, Brigde Majestic, No.25, Kalidasa Narg, Gandhinagar, Bangalore – 560 009.
3. The Assistant Executive engineer(EI), O&M, City Sub-Division, HESCOM, Sector No.25, Navanagar, Near SBI, Bagalkot.
4. The Chairperson, CGRF, Office of the Superintending Engineer O&M Circle, HESCOM, Near Engineering College Circle, Vidyagiri, Bagalkot – 587 102.
5. Managing Directors of ESCOMs
6. PS to Hon'ble Chairman, KERC
7. PS to Hon'ble Member (A), KERC
8. PS to Hon'ble Member (M), KERC
9. PS to Secretary, KERC
