



Before the Electricity Ombudsman

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

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

Electricity Ombudsman

Case No.OMB/B/G-191/2014/402

Dated 13.08.2014

Smt.M.R.Gayathri,
No.17(1), 1C Main Road,
Peenya Industrial Area, 2nd Phase,
BANGALORE-560058
(Represented by Sri Ramakrishna Mudgal,
Authorised Representative)

.. **Appellant**

Vs

1. The Asst. Executive Engineer(EI)
O & M N-4 Sub Division,
BESCOM,
499. 4th Phase, 14th Cross,
Peenya 2nd Stage,
BANGALORE

2. The Chairperson
Consumer Grievance Redressal Forum
Office of the Superintending Engineer,
BESCOM, West Circle,
05, 3rd 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 order passed by the Consumer Grievance Redressal Forum, BESCO, Bangalore Urban District (here in after referred to as the 2nd Respondent) vide Case No CGRF/Chairman/West Circle/1639-44 dated 23.06.2014 relating to the raising of back bill by the 1st Respondent for Rs.30,274/- against the Appellant. The Appellant, aggrieved by this order, submitted her case as under:

2. The Appellant is a registered electricity consumer of BESCO and installation bearing No PNP 2147 stands in the name of the Appellant. The installation was serviced on 31.05.1994 with a sanctioned load of 40 HP. The Appellant is engaged in manufacturing of hydraulic cylinders and components. The Appellant was regularly paying the electricity bills. L.T Rating sub-Division conducted inspection of the Appellant's installation on 22.08.2011 and observed that the Meter Reader had omitted to take the ckwh-e export energy availed by the Appellant and had taken only ckwh (import) for billing purposes and, hence, the Appellant was liable to pay for the differential units. The Assistant Executive Engineer(EI) O&M N-4 Sub-Division, BESCO (here in after referred to as the 1st Respondent), based on this report issued a back billing demand for Rs.30,274/-. The Appellant, without understanding what is export energy and import energy, paid the back billing charges fearing stoppage of electricity supply to the installation.

3. In the instant case, the Appellant initially filed appeal in Form No.B along with a letter to this Authority dated 20.07.2014 claiming compensation under KERC (Licensees' Standards of Performance) Regulations, 2004 for the 2nd Respondent failing to pass order within a mandatory period of 60 days. Further addressed one more letter dated 30.07.2014 challenging the back billing issued, procedure followed for claiming back billing and back billing raised for period more than 6 months.

4. Since there is no provision under the regulation to award compensation to the parties in case of delay in disposal of complaints by the 2nd Respondent, the case was listed to 12.08.2014 for considering maintainability of the appeal.

5. The Authorised Representative of the Appellant who appeared for the Appellant clarified that the Appellant would not pursue the letter addressed to this Authority dated 20.07.2014 but pursue appeal filed dated 30.07.2014. The letter dated 30.07.2014 challenges the back billing raised by the 1st Respondent without following the procedure laid down under Clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka besides BESCO not explaining what is export energy and import energy. In the light of this development, this Authority, after admitting the appeal, advised both parties to advance their arguments on the issues raised in the letter dated 30.07.2014. Accordingly, both parties advanced their arguments on issues raised in the letter dated 30.07.2014.

6. The Authorised Representative of the Appellant argued that the 1st Respondent cannot claim back billing charges beyond 6 months preceding inspection and, in the present case, the 1st Respondent claimed back billing charges for a period of 9 years which is contrary to Clause 29.08 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. Hence, the Appellant is not liable to pay back billing charges.

7. The Authorised Representative added that the Licensee, while making the supplemental claims, has not followed Regulation 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka and the 1st Respondent has not served a provisional assessment order on the Appellant giving 15 days' time to file objections, if any, before passing final assessment order and has straightaway issued demand notice advising the Appellant to pay the amount which is against to natural justice and, hence, prayed this Authority to direct the 1st

Respondent to withdraw the demand notice raised for Rs.30,274/- and to provide fresh opportunity to the Appellant to put forth her objection in the matter and, thereafter, considering her objection to pass final assessment order.

8. The 1st Respondent, appearing for BESCO, argued that the LT Rating Sub Division conducted inspection of the Appellant's installation on 22.08.2011 and observed that the Meter Reader had not read the ckwh-e (export) and had read only ckwh (import) though the new versioned ETV meter had two parameters, namely, ckwh (import) & ckwh-e (export) which registered the imports & export energy separately and the Meter Reader ought to have added both import energy and export energy for billing purposes but had read only import energy for billing purposes and, hence, the appellant was liable to pay for the differential units from the date of installing the new versioned ETV meter.

9. The 1st Respondent, during the course of his argument, admitted that his predecessor in office had not followed the procedure laid down under Clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka meticulously while making the supplemental claims and records revealed the Appellant not getting 15 days' time to file objections, if any, and the 1st Respondent issuing demand notice straightaway claiming back billing charges.

10. Examination of the arguments of both parties and records revealed that the 1st Respondent has not followed the procedure laid down under Clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka while making supplementary claims. The 1st Respondent is neither found to have issued provisional assessment order giving 15 days' time to the Appellant to file objections, if any, nor passed final order after considering the objections filed by the Appellant. On the contrary, the 1st Respondent seems to have issued demand notice claiming back billing charges contrary to Clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. Hence, it is considered necessary in the interest of justice and equity to remand the case to the

1st Respondent to pass fresh assessment order following the procedure laid down under Clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. In the light of the above, following orders are passed:

ORDER

- a) The impugned orders of the CGRF vide No CGRF/Chairman/west circle/1639-44 dated 23.06.2014 is hereby set aside.
- b) The case is remanded to the 1st Respondent to pass fresh assessment orders following the procedure laid down under Clause 29.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka.
- c) The 1st Respondent is directed not to disconnect power supply to the subject installation till such time he passes the final assessment order in the matter.
- d) In the result, the appeal **partly succeeds**.


(B.R.Jayaramaraje Urs)
Electricity Ombudsman

1. Smt.M.R.Gayathri, No.17(1), 1c Main Road, Peenya Industrial Area, 2nd Phase, Bangalore-560058 (represented by Authorised Representative, Sri. Ramakrishna Mudgal, Bangalore).
2. Chairperson, Consumer Grievance Redressal Forum, Bangalore Urban District, Basaveshwarnagar, Bangalore.
3. The Assistant Executive Engineer (Ele), O & M N-4 Sub Division, BESCOM, No.499, 4th Phase, 14th Cross, Peenya 2nd Stage, Bangalore
4. Managing Directors of ESCOMs.
5. PS to Hon. Chairman, KERC

6. PS to Hon.Member (A), KERC
7. PS to Hon.Member (M), KERC
8. PS to Secretary, KERC