



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-178/2014/373
Date 25.06.2014

Smt.B.Sujaya S.Shetty,
 Proprietor: Canara Restura,
 No.150/1, 1st Main Road,
 (Opp to Old CTO's Office)
 Sheshadripuram,
 BANGALORE-560020

**(Represented by Sri G.R.Shastry,Advocate &
 Sri M.G.Prabhakar, Authorised Representative)**

.. Appellant

Vs

1. The Asst. Executive Engineer(EI)
 O & M C-2 Sub Division,
 BESCOM,
 Malleshwaram,
BANGALORE-560003

2. The Chairperson,
 Consumer Grievance Redressal Forum,
 BESCOM,
BANGALORE

.. Respondents

1. This is an appeal under clause 21.02 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004 against the endorsement issued by the

Chairman, CGRF, West Circle, BESCOM, Bangalore-79 on the complaint filed by the Appellant in Form-A complaining the way the meter testing had been done by the MT Rating Sub-Division as per the Ombudsman's order dated 29.11.2013 and also their failure to supply data regarding percentage error generated by the Electronic Type Testing Equipment after inspection. CGRF Chairman endorsed in his endorsement dated 15.05.2014 that from the verification it had been revealed that the CGRF had already passed order on the complaint filed by the Appellant and the Appellant had filed an appeal before the Ombudsman and the Ombudsman on this appeal had directed the M.T. Rating Sub-Division to conduct fresh meter test within 30 days by following Clause 27.03 (a) & (iv) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka vide his order dated 29.11.2013. Hence, to contact the Assistant Executive Engineer(EI), C-2 Sub-Division, BESCOM, Malleswaram for taking suitable action in the matter. The Appellant, aggrieved by the endorsement issued by the Chairman, CGRF, has submitted his case as under:

2. The Appellant is an electricity consumer of BESCOM. Installation bearing No. C2P-252 stands in the name of the Appellant. The Appellant is running a small hotel in 15' x 20' premises in Seshadripuram, Bangalore. Meter was installed in the year 1987. There were no complaints. However, in 2010, the complainant made a complaint to the Assistant Executive Engineer (EI) that the meter had been recording fast and, hence, it had to be checked and rectified. There was no action. Suddenly, on 21.11.2012, the Assistant Executive Engineer (EI) raised a back bill demanding Rs.30,255/- on the ground of slow recording of the meter by 60.80 %. This order was challenged before the CGRF and the CGRF by its order dated 29.11.2013 was pleased to set aside the impugned order partially directing the Assistant Executive Engineer (EI) to collect bill for 6 months prior to the inspection and to replace the faulty meter. That order was questioned before the Ombudsman and the Ombudsman by his order dated 29.11.2013 was pleased to set aside the order of the CGRF and remanded the complaint to the M.T. Rating Sub-Division for conducting fresh meter test as per Clause 27.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. Following this order, on

31.12.2013, the MT rating Sub-Division conducted meter test and, after the test, a parallel meter was installed on the same day which recorded slower than the older one. Three days after the test, the Assistant Executive Engineer(EI) came and changed the wiring of the meter which resulted in fast recording of the old meter and slow recording of the new meter. The Appellant gave a complaint to the Assistant Executive Engineer(EI) for rectification on 25.01.2014. There was no response from the Assistant Executive Engineer(EI). Again on 25.02.2014, the complainant sent a reminder. Though the M.T.Rating Sub-Division conducted test on 31.12.2013 following the direction by the Ombudsman in the presence of the Appellant, however, Clause 27.03 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka was not followed nor the Rating Agency provided print out generated out of electronic equipment. The Appellant was kept in darkness regarding the outcome of the test.

3. Again on 25.12.2014, the Assistant Executive Engineer(EI) raised a back bill demand for Rs.1,25,115/-. The Assistant Executive Engineer(EI), in his order, referred to the inspection dated 21.10.2012, which was held to be bad in law by the Ombudsman. Based on that inspection, the Assistant Executive Engineer(EI) issued a back billing demand. The Assistant Executive Engineer(EI) passed the final assessment order on 12.03.2014 & 28.02.2014. In both the cases seven days and fifteen days time was given respectively for payment. Letter dated 12.03.2014 says that the Assistant Executive Engineer(EI) relied on inspection dated 21.11.2012 which was held to be bad in law by the Ombudsman. This assessment order was challenged before the CGRF, but the CGRF failed to take note of the fresh cause of action dated 12.03.2014 and 28.02.2014 and issued endorsement advising the Appellant to approach the Assistant Executive Engineer (EI) O & M Sub-Division for implementation of Ombudsman's order.

4. The Assistant Executive Engineer(EI) in reply to the notice issued by this Authority sought permission to make oral submissions during the hearing and, hence, the Assistant Executive Engineer(EI) did not file his statement of objections.

5. 5. The case was taken up for hearing on 12.06.2014. On behalf of the Appellant, Advocate Shri G.R Shastri & Shri M.G Prabhakar, Authorised Representative appeared and put forth their arguments. On behalf of the 1st Respondent, Shri Vinayaka, Law Officer, BESCOM and Shri Nagabhushan, Assistant Executive Engineer (EI), C-2 Sub-Division, Malleshwaram, Bangalore appeared and put forth their arguments.
6. 6. The Advocate for the Appellant argued that the inspection conducted by M.T Rating Sub-division in pursuance of ombudsman's order dated 29.11.2013 was not in accordance with Clause 27.03 of the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka as the Inspecting Officer had failed to furnish the data generated by the equipment during the inspection. Further, the Assistant Executive Engineer(EI) changed the wiring of the meter three days after the inspection which resulted in fast recording of the old meter and slow recording of the new meter. Hence, the observation of the M.T.Rating Sub-Division that the old meter had a slow recording by 60.80% is not accurate and not worthy of consideration.
7. 7. During the hearing, suggestion came from both parties for 3rd party meter testing. This was agreed to by this Authority and the case was adjourned to 20.06.2014. On 20.06.2014, the parties submitted that the meter testing had been done in the presence of the Electrical Inspector and the test revealed that the parallel meter had an accurate reading but the old meter had a slow recording by 16.83%. Further, they were in agreement with the findings and by virtue of this finding the Appellant is agreeable to pay the back billing charges for 6 months prior to the inspection dated 31.12.2012. Further, the Appellant is also agreeable to pay 16.83% additional amount on the basis of Third Party Agency findings from 01.07.2013 till 20.06.2014 to the Licensee. The Assistant Executive Engineer(EI), in turn, is agreeable to change the existing meter after the Appellant paid the above said arrears.

8. The parties filed a Joint Memo requesting this Authority to pass order in terms of the above..
- 9.
10. 9. Having regard to the facts of the case and request made by both parties to pass order in terms of the Joint Memo, the case is disposed in terms of the following:

ORDER

- A) The Appellant shall pay 16.83% of additional amount from 01.07.2013 till 20.06.2014 on the bills raised on C2 P-252 (old meter).
- B) BESCOM to withdraw all its previous demands, notices and claims in respect of C2 P-252 (old meter).
- C) After receipt of amount stated in Clause 1, BESCOM shall remove the old faulty meter and check meter already installed shall be used for the purpose of future billing,
- D) At the time of replacement of old meter with the new one, BESCOM to take the recording of both.
- E) By virtue of this memo, BESCOM to withdraw the notice dated 28.02.2014 bearing No AGM-M-CS-362 and letter dated 12.03.2014 in No AGM-M-C2-464.


(B.R. Jayaramaraje Urs)
Electricity Ombudsman

1. Smt.B.Sujaya S.Shetty, Proprietor: Canara Restura, No.150/1, 1st Main Road, (Opp: Old CTO's Office), Sheshadripuram, Bangalore-560020 (represented by Shri G.R.Shastry, Advocate – Authorised Representative).
2. The Chairman, Consumer Grievance Redressal Forum, BESCO, Bangalore
3. The Assistant Executive Engineer (Ele), O & M C-2 Sub Division, BESCO, Malleshwaram, Bangalore-560003 .
4. The Assistant Executive Engineer(EI), M.T.Rating Sub-Division, BESCO, Bangalore
5. Shri Vinayaka.K., Law Officer, BESCO Corporate Office, K.R.Circle, Bangalore-560001.
6. Managing Directors of ESCOMs.
7. PS to Hon.Chairman, KERC
8. PS to Secretary, KERC