



**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/H/G-176/2014/394

Dated 23.07.2014

Shri Uttama Vishwanatha Kurdekar,
Sector No.29, House No.21, Model "B"
Navanagar,
BAGALKOT
(ID-5649960833)

**(Represented by Shri Narayandas Srikisandas
Malpani, Authorised Representative)**

.. Appellant

Vs

1. Assistant Executive Engineer(EI),
O & M City Sub-Division,
HESCOM,
BAGALKOT
(Represented by Shri Devaraj, Advocate)

2. Consumer Grievances Redressal Forum (C.G.R.F)
Office of the Superintending Engineer,
O & M Circle, HESCOM,
BAGALKOT.

.. 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, HESCOM, Bagalkot District, Bagalkot (hereinafter referred to as the 2nd Respondent) vide case No.ಬಿಜಿಕೆ/ಅಅ(ವಿ)ಉಲೆನಿ/ಸಲೆ/ಹಿಸ-1/13-14/12738-45 ದಿನಾಂಕ 11.03.2014 in respect of Appellant's plea for award of compensation for HESCOM failing to achieve the standards of performance under KERC (Licensees' Standards of Performance) Regulations, 2004 i.e. failure to sanction power within 8 days under TATKAL Scheme in spite of the Appellant furnishing all the documents and paying the prescribed charges. The 2nd Respondent dismissed the complaint. Aggrieved by the order passed by the 2nd Respondent, the Appellant has submitted his case as under:

2. The Appellant, who resides in Bagalkot applied for power supply under TATKAL Scheme for domestic purposes. Under the Scheme, any consumer who is in urgent need of power supply can apply for power with the Licensee furnishing the required documents and paying the prescribed fees and the Licensee is bound to supply power within 8 days.

3. The Appellant applied for power supply under TATKAL Scheme on 03.10.2013 and he submitted the application to the Section Officer, CSD, Navanagar, Bagalkot. The Section Officer, after registering the application, visited the premises of the Appellant on 11.10.2013 and observed that the Appellant had not completed the wiring and not provided MCB (Miniature Circuit Breaker) for sanction of power. These observations were communicated to the Appellant on 10.11.2013. The Appellant, in his reply to HESCOM, admitted having not enclosed the completion certificate along with the application for the reason that he was not required to furnish the completion certificate and MCB before sanction of power and it could be furnished after the sanction of power and before servicing of the installation. He further clarified that, at this stage, he was only seeking sanction of power. In spite of the clarification, the 1st Respondent failed to sanction power as stipulated under Clause 5.02 of the Conditions of Supply of Power of Distribution Licensees in the State of Karnataka. As the 1st Respondent failed to sanction power, the Appellant approached the Junior Technical Assistant, CSD, Bagalkot on 05.11.2013 and the Junior Technical Assistant advised the Appellant to pay the Registration Fee of

Rs.50/-. The Appellant paid the amount on the same day and obtained receipt. Though power had been sanctioned by the competent authorities, the Junior

Technical Assistant would not issue power sanction letter to the Appellant. The Appellant came to know of sanction of power unofficially when he visited the office. During this visit, the Junior Technical Assistant advised the Appellant to pay Initial Security Deposit of Rs.1200/- and Development Charges of Rs.1200/-. The Appellant had applied for two installations and, accordingly, paid the necessary deposits and obtained receipts. The Licensee under TATKAL Scheme had to collect surcharge of Rs.1000/- per installation along with the application. The Licensee did not collect the surcharge at the time of registration, however, advised the Appellant to pay the surcharge after sanction of power and after payment of Initial Security Deposit & Development Charge. The Junior Technical Assistant intimated the Appellant to pay surcharge on 03.12.2013. After payment of surcharge, Junior Technical Assistant serviced the installation on 10.12.2013 causing a delay of 52 days i.e. from 03.10.2013 to 10.12.2013 under TATKAL Scheme. HESCOM was supposed to sanction power within 8 days. The Licensee ought to have collected surcharge and Registration Fee at the time of registration or filing of application. In the instant case, the Licensee did not collect the Registration fee and the surcharge at the time of registration. At this stage, the consumer was only seeking sanction of power and this was explained to the Section Officer. In spite of the clarification, the Licensee insisted on production of MCB & Completion Certificate before sanction of power which is contrary to Clause 4.03 of Conditions of Supply of Power of Distribution Licensees in the State of Karnataka. Further, the Licensee failed to follow the time frame provided under the TATKAL Scheme under which the Licensee was supposed to sanction power within 8 days from the date of filing the application. Hence, for not adhering to the time frame, the Appellant filed a complaint before the CGRF seeking relief under the KERC (Licensees' Standards of Performance) Regulations-2004. However, the 2nd Respondent has refused to award any

compensation. Hence, aggrieved by the impugned order, the Appellant filed this appeal before the Ombudsman.

4. Respondent's comments were called vide letter No OMB/H/G-176/2014/349 dated 24.04.2014. The 1st Respondent filed his statement of objections vide letter dated 05.05.2014.

5. The 1st Respondent, in his statement of objections, submitted that the Appellant had applied for sanction of power supply for domestic purposes under TATKAL scheme on 03.10.2013 and HESCOM created ID on 9.10.2013 i.e No. 8644709895. Simultaneously, the Section Officer inspected the premises of the Appellant and observed that the Appellant had not completed the wiring and not adopted MCB. Later, on 05.11.2013, the Appellant had come forward to pay the Registration fees. After payment of Registration fees on 12.11.2013, power had been sanctioned and the Appellant had been further advised to comply with other conditions for servicing the installation including payment of Initial Security Deposit. The Appellant filed completion report and diagram on 19.11.2013 though it had been prepared on 15.11.2013. The Appellant paid the Initial Security Deposit on 19.11.2013 but had failed to pay surcharge of Rs.1000/- on that day but paid on 03.12.2013. Accordingly, work order had been issued on 07.12.2013 and installation had been serviced on 10.12.2013 and thus there was no delay in sanction of power and, hence, question of paying compensation to the Appellant did not arise.

6. Both parties were informed vide letter No.OMB/H/G-176/2014/362 dated 30.05.2014 regarding availability of Sub-Regulation 1 of Regulation 20 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 which provides for settlement by agreement through conciliation and mediation.

7. During the hearing, both the Authorised Representative and the Advocate for the 1st Respondent reiterated the submissions made in their appeal memo and statement of objections respectively.

8. After the arguments were over, the parties sought time for reconciliation. Time was granted for reconciliation.

9. On 17.07.2014, the parties appeared and filed Joint Statement which is extracted and reproduced below.

"Joint Memo

Herein we the Appellant and the Respondents submit as under:

That in the above said case the Appellant and the Respondent have settled the case outside the Ombudsman. Hence, the Hon'ble Forum may be pleased to dismiss the case as not pressed in the interest of justice and equity.

Hence, this joint memo.

Bangalore
17.07.2014

Sd/-
Appellant

Sd/-
Advocate for Respondent

Sd/-
Assistant Executive Engineer
O&M, CSD, HESCOM, Bagalkot"

Having regard to the facts of the case and in the light of the Joint Memo filed by the parties dated 17.07.2014 that by mutual consent have got their dispute settled out of Electricity Ombudsman, the case is disposed in terms of the following:

ORDER

In view of the settlement reached by the parties outside this Appellate authority vide Joint Memo filed dated 17.07.2014, the appeal *is dismissed* as not pressed by the parties.



(B.R. Jayaramaraje Urs)
Electricity Ombudsman

1. Shri Uttama Vishwanatha Kurdekar , Sector No.29, House No.21, Model "B", Navanagar, Bagalkot (Represented by Shri Narayandas Srikisandas Malpani- Authorised Representative)
2. The Chairperson, Consumer Grievance Redressal Forum, Bagalkot.
3. Assistant Executive Engineer, O & M City Sub-Division, HESCOM, Bagalkot (Represented by Shri Devaraj, Advocate)
4. Managing Directors of all ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member (M), KERC
7. PS to Hon. Member (A), KERC
8. PS to Secretary, KERC