

Before the Ombudsman, KERC, Bangalore
Present: Shaik Ahmed,
Ombudsman
Case No.OMB/H/G-11/2006/1091
Dated : 06.07.2006

Complainant:

M/s.Polyhydron Pvt. Ltd.,
78-80, Macche Industrial Estate,
Macche,
Belgaum-590014.

Respondents:

1.The Asst.Executive Engineer (Elec)
O & M Rural Sub Division,
Hubli Electricity Supply Co.Ltd.,
BELGAUM

2. The Consumer Grievance Redressal Forum,
HESCOM, Eureka Junction,
II Floor, T.B.Road,
HUBLI-29.

The Complainant above named has sought a direction for the 1st Respondent for payment of interest at 2% per month on the relief already granted by the 2nd Respondent. The fact of this case is that the Complainant had 2 installations bearing RR Nos. MCHMP-91 and MCHMP-108 with a connected load of 87 KVA. He has surrendered one of these installations and got the other installation converted to HT installation on 02.07.1998 with an extended load of 125 KVA i.e. with an additional load of 38 KVA. The audit wing of the 1st Respondent has advised to levy the tariff for the additional load of 38 KVA as incentive for the conversion of LT installation to HT is not admissible

to the additional load. Accordingly, the 1st Respondent has levied a sum of Rs.1,58,952.00 towards the difference of tariff and the interest thereon for the additional load for the period commencing from August 1998 to July 2001. The Complainant has paid the amount of Rs.1,58,952.00 on 26.07.2002 under protest. He has challenged the levy of Rs.1,58,952.00 in the Civil Court, Belgaum. The learned Principal Civil Judge in RA 102/01 has directed the Complainant to approach the Appellate Authority. Accordingly, the Complainant has filed an appeal against the above demand before the 1st Appellate Authority i.e. the Superintending Engineer, O & M, Belgaum Circle, The 1st Appellate Authority in its order No.8627-30 dated 10.12.2002 has held that the claim of Rs.1,58,952.00 was in order. The Complainant has preferred an appeal against the order of the 1st Appellate Authority before the 2nd Appellate Authority i.e. the Chief Engineer (Elec), Belgaum. The Electricity Act, 2003 which came into force on 10.06.2003 has dispensed with the 2nd Appellate Authority and the proceedings pending before the 2nd Appellate Authority stand abated.

The Complainant has also filed a petition before the CGRF, HESCOM, Hubli (2nd Respondent) against the levy of the above amount. The 2nd Respondent, after hearing both the parties, has held that the levy of Rs.1,58,952.00 is not in order as the Complainant is eligible for the incentives available for the conversion of LT installation to HT. The 2nd Respondent has, therefore, ordered to refund the amount of Rs.1,58,952.00 to the Complainant by way of adjustment in the future bills. Not satisfied with the relief granted by the 2nd Respondent, the Complainant has lodged a complaint before this Authority for a direction to the 1st Respondent to pay the interest at 2% per month on the amount of Rs.1,58,952.00 as the 2nd Respondent has not considered the issue of payment of interest.

I have discussed this case with the officers of HESCOM, namely, the Managing Director, Director(Tech), Superintending Engineer and AEE on 27.06.06 at Hubli in the presence of the learned Chairperson and Member of the CGRF, HESCOM. The officers of the HESCOM have stated that the amount of Rs.1,58,952.00 levied is the differential tariff from August 1998 to July 2001 for the additional load of 38 KVA and that the Complainant is not eligible for the incentive on additional load. They have further stated that the above demand is lawful made in accordance with law and the CGRF has no jurisdiction to entertain the petition from the Complainant. According to them, the order passed by the 2nd Respondent has no locus standi. The General Manager(Tech), HESCOM has filed a written statement that CGRF has no jurisdiction to entertain the petition from the Complainant.

ORDER

I have gone through the records placed before me by both the parties. This is indeed a case of lawful demand for the additional load which has been fixed in accordance with the law after allowing the admissible concession for the conversion of LT installation to HT. Further, the Complainant has preferred an appeal against the demand in question before the 1st Appellate Authority specified under Section 44-09 of KERC (ES&D) Code, 2000-01 and the 1st Appellate Authority has already passed the order in the matter. Hence, there was absolutely no scope for the CGRF to entertain the petition from the Complainant and pass an order. The appropriate authority for the

Complainant to agitate the matter further is the State Electricity Regulatory Commission and not the CGRF. Hence the order passed by the CGRF, HESCOM on 13.01.06 in case No.CGRF/12/678 is hereby set aside and the request of the Complainant is rejected.

(Shaik Ahmed)
Ombudsman

TO:

1.M/s. Polyhydron Pvt. Ltd., 78-80, Macche Industrial Estate, Macche, Belgaum-590014.

2. The Consumer Grievance Redressal Forum, HESCOM, Eureka Junction, II Floor, T.B.Road, HUBLI-29.

3. The Managing Director, HESCOM, Navanagar, P.B.Road, Hubli-25.

4. The Asst.Executive Engineer(E), O & M Rural Sub-Division, HESCOM, Belgaum.

5. The General Manager, (Tech/Admn & HRD), HESCOM, Navanagar, P.B.Road, Hubli-25.

6. The Executive Engineer (Elec), O & M Division, HESCOM, Navanagar, P.B.Road, Hubli-25

7.PS to Chairman 8.PS to Member-I 9.PS to Member-Tech 10.Consultant (C.A.)

11. Chairpersons of all Grievance Fora for information