

**Before the Ombudsman, KERC, Bangalore**  
**Present: Shaik Ahmed, Ombudsman**  
**Case No.OMB/G/G-6/2006/516**  
**Dated : 31.03.2006**

**Appellant:**

Shri R.T.Yogaraju,  
Admn Officer  
H.No.C-II/15, PWD Quarters,  
Vishveshwaraiah Nagar,  
**BELGAUM-590001**

**Respondents:**

1. The Asst.Executive Engineer,  
BESCOM, S-8 Sub Division,  
Hosur Road,  
**Bangalore-560068.**

2. The Consumer Grievance Redressal Forum,  
BESCOM, ESI Hospital Road,  
Rajajinagar,  
BANGALORE.

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This is an appeal filed by Shri R.T.Yogaraj against the order dated 15.11.2005 passed by Respondent 2 in case No.CGRF/30/2005. The case of the Appellant is that he had leased out his house bearing No.240 situated at 11<sup>th</sup> Main, 20<sup>th</sup> Cross, 7<sup>th</sup> Cross, HSR Layout, Bangalore with installation RR No.4 SHE 26999 to a tenant. The tenant has vacated the house without clearing the electricity dues amounting to Rs.9,365.00 for several months. The BESCOM has disconnected the power supply five times in a period of one year for non-payment of electricity dues. But

the tenant has got the installation re-connected on his own illegally and used the electricity for several months. The Appellant alleges that BESCO has failed to notice the unauthorized use of electricity by the occupant of the house despite disconnection of the power supply for non-payment of dues. The dereliction of duty on the part of the Respondent 1 has resulted in unauthorised use of electricity amounting to Rs.9,365.00 by the occupant and this liability has come on the Appellant. The Appellant has paid the dues in protest. The Appellant, therefore, seeks refund of Rs.9,365.00 which he has paid in protest and to collect the same from the Respondent 1 whose inaction is responsible for the liability.

2. The learned CGRF after hearing the case, has held that there is a lapse on the part of the BESCO as it has failed to notice and prevent the unauthorized use of electricity by the occupant by illegally re-connecting the disconnected supply on his own. The CGRF, therefore, has ordered that the interest accrued on the principal amount of electricity dues should be collected from the Junior Engineer Meters and credited to the account of the Appellant. It has also ordered to initiate disciplinary action against the Junior Engineer Meter for his failure to prevent the unauthorized use of electricity by the occupant after disconnection of power supply.

3. Aggrieved by the orders of the Respondent 2, the Appellant has preferred an appeal before the Ombudsman. His contention is that although the CGRF has held that there is negligence on the part of Respondent 1, yet it has failed to order for refund of Rs.9,365.00 which he has paid in protest. He, therefore, contends that the impugned order be set aside as the same is not taken to its logical conclusion and to order for refund of the amount he has paid or in the alternative to adjust the same against future bills. He further seeks to recover the amount in question from Respondent 1 whose inaction is responsible for the unauthorized use of electricity.

4. I have gone through the records. Admittedly, the occupant has used the electricity by illegally re-connecting the power supply which was disconnected for non-payment of arrears. The learned CGRF is right in holding that BESCO has failed to notice unauthorized use of electricity by the occupant of the house. Accordingly, the CGRF has ordered to recover the interest portion of the dues from the Junior Engineer Meters who has failed in his duties to check the unauthorised use of electricity by the tenant of the Appellant. At the same time, the Appellant being the owner of the house, in his own interest, should have sought special reading of the meter under Section 4.15 of KERC (Electricity Supply) Code, 2004 to know the outstanding power dues immediately before vacation of the premises by his tenant. By doing so, he would have recovered the dues from his tenant. The Appellant, therefore, cannot absolve himself

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from what has happened. Nothing prevents the Appellant to recover the dues from his tenant even now. The contention of the Appellant to refund the amount or to adjust it against future payment on the ground of the failure of Respondent 1 is not correct. The learned CGRF has taken note of the dereliction of duty on the part of the Junior Engineer (Meter) and has ordered to recover the interest portion of the dues besides initiating disciplinary action against him. The penalty imposed on the defaulting official meets the ends of justice.

**ORDER**

6. In the circumstances stated above, I do not see any reason to interfere with the order passed by the CGRF. The appeal is, accordingly, rejected.

Sd/-  
(Shaik Ahmed)  
Ombudsman

**Copy to:**

1. Shri R.T. Yogaraju, No.C.11/15, PWD Quarters, Vishveshwaraiah Nagar, Belgaum.
2. The Consumer Grievance Redressal Forum, BESCO, ESI Hospital Road, Rajajinagar, Bangalore-560010.

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3. The Asst Executive Engineer(Ele) S-8 Sub Division, No.52/1, Kudlu Gate, Hosur Road, Bangalore-560068,
4. The MD, BESCOM, Corporate Office, K.R.Circle, Bangalore-1
5. The Chief General Manager(Ele), (C,O&M), Bangalore Metropolitan Area Zone, K.R.Circle, Bangalore-560001.
6. The General Manager, (Tech), BESCOM, Corporate Office, K.R.Circle, Bangalore-560001.
7. The Superintending Engineer(Ele), Bangalore O & M Circle (South), 3<sup>rd</sup> Floor, BESCOM, K.R.Circle, Bangalore-560001
8. The Executive Engineer (Ele), Additional South Division, C,O&M Sub-Division, BESCOM, Koramangala, Bangalore.

PS to Chairman / PS to Member-I / PS to Member-II / Consultant (C.A.)

Shri R.T.Yogaraju,  
No.C.11/15, PWD Quarters,  
Vishveshwaraiah Nagar,  
**Belgaum-590001**

The Consumer Grievance Redressal Forum,  
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ESI Hospital Road,  
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Bangalore-560010.

The Asst Executive Engineer(Ele)  
S-8 Sub Division, No.52/1,  
Kudlu Gate, Hosur Road,  
Bangalore-560068,

The Managing Director,  
BESCOM, Corporate Office,  
K.R.Circle, Bangalore-560001

The Chief General Manager(Ele), (C,O&M),  
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