Before the Ombudsman, KERC, Bangalore
Present: Shaik Ahmed, Ombudsman
Case No.OMB/M/G-9/2006/
Dated : 28.04.2006

Appellant:
Shri Purushotham Bhat
Robosoft Technologies,
3-174, A4, II Floor,
Hanuman Transport Building,
Chitpady,
UDUPI-576101.

Respondents:
1. The Asst.Executive Engineer(Ele)
Udupi Sub-Division,
MESCOM,
UDUPI.

2. The Consumer Grievance Redressal Forum,
MESCOM Corporate Office,
Paradigm Plaza, A.B.Shetty Circle,
MANGALORE-575001.

ORDER

The Appellant has preferred this appeal seeking additional relief. The case of the Appellant is that he runs a software manufacturing unit located in a multi-storeyed building in Chitpady area of Udupi Town. He had filed an application before the 1st Respondent for sanction of additional load for his industrial installation (LT-5) bearing RR No.22199. The 1st Respondent while
sanctioning the additional load has collected a sum of Rs.1,05,000.00 towards augmentation and other charges. According to him, the sanctioned load was under LT-5 category while the augmentation fee levied on him by the 1st Respondent was under LT-3 category. Aggrieved by the excess collection of augmentation charges, he had filed a petition before the 2nd Respondent seeking direction for refund of the excess amount.

The 2nd Respondent, after hearing both the parties, has held that the 1st Respondent has actually collected the augmentation charges prescribed for LT-3 installations and, therefore, has ordered to refund the excess amount to the Appellant. In pursuance of the order passed by the learned CGRF on 05.01.2006, the 1st Respondent has refunded a sum of Rs.74,500.00 to the Appellant on 28.01.06 after deducting the augmentation charges applicable to LT-5 installations. The Appellant has filed yet another petition before the 2nd Respondent seeking a direction for payment of interest on the excess amount held by the 1st Respondent. The 2nd Respondent has endorsed the Appellant to approach the Ombudsman in an appeal if he was not satisfied with the relief granted by the impugned order dated 05.01.2006. The Appellant, therefore, comes in an appeal before the Ombudsman praying for payment of interest on the excess amount held by the 1st Respondent.

I have gone through the relevant records. As per Section 29.09 of the KERC (ES & D) Code 2001, as amended from time to time, the excess amount has to be credited to the consumer’s account within one month after such an excess payment is noticed. In the instant case, the learned CGRF has noticed the excess payment on 05.01.06 and the 1st Respondent has refunded the..3..
excess amount on 28.01.06 i.e. within 23 days after the excess payment was noticed. Since the excess amount collected from the Appellant has been refunded to him by the Licensee within 30 days, payment of interest on the excess amount does not arise.

Hence, the appeal does not merit consideration and is accordingly rejected.

(Shaik Ahmed)
Ombudsman

Copy to:


3. The Managing Director, MESCOM Corporate Office, Paradigm Plaza, A.B. Shetty Circle, Mangalore-575001.

4. The Asst. Executive Engineer (Ele), MESCOM, Udupi Sub-Division, Udupi.

5. The Executive Engineer (Elec), O & M Division, MESCOM, Udupi.

6. PS to Chairman

7. PS to Member-I

8. PS to Member-II

9. Consultant (C.A.)