

Before the Ombudsman, KERC, Bangalore
Present: Shaik Ahmed,
Ombudsman
Case No.OMB/H/G-8/2006
Dated : 10.04.2006

Appellant:

Shri Y.K.Hoogara,
Bharath Swimming Pool,
Bijapur-Bagalkot Road,
BIJAPUR.

Respondents:

1. The Asst.Executive Engineer(Ele)
City Sub Division HESCOM,
BIJAPUR
2. The Consumer Grievance Redressal Forum,
HESCOM,
Eureka Junction, II Floor, T.B.Road,
HUBLI-29.

The Appellant has preferred this appeal against the order dated 12.12.2005 passed by the Respondent 2 in case No.CEH/CGRF-11/653. He had filed a petition before the Respondent 2 questioning the backbilling charges amounting to Rs.2,31,168.00 fixed by the Chief Engineer and 2nd Appellate Authority, HESCOM in respect of his IP installation set. The 2nd Respondent, after hearing the appellant, has rejected the petition on the ground that the case relates to theft of energy and did not fall within its ambit.

The facts of this case are that the Appellant has a borewell installed in Survey No.495/1 of Bijapur. He has used this borewell for pumping water to the swimming pool owned by him without any sanction from Respondent 1. The Vigilance Squad of the Respondent 1 has booked a criminal case (Cr.No.25/98) against the Appellant in the Court of JMFC, Bijapur for the theft of electricity. The Appellant, consequent to his acquittal in the criminal case, has requested Respondent 1 to provide a new power connection to his swimming pool. The Respondent 1, in the process, had called upon the Appellant to pay the backbilling charges amounting to Rs.3,97,196.00 towards unauthorized use of electricity. The Appellant has preferred an appeal against the levy of backbilling charges before the 2nd Appellate Authority and Chief Engineer(Ele), HESCOM. The 2nd Appellate Authority (which was in vogue then) after hearing the Appellant has held that the Appellant did use electricity without any authority and revised the backbilling charges to Rs.2,31,168.00.

The Appellant had also filed a Writ Petition before the Hon'ble High Court of Karnataka against the levy of backbilling charges. The Hon'ble High Court disposed off the writ petition (No.34139/04) with a direction to the Appellant to file a detailed objection regarding backbilling charges to the Managing Director and other officers of HESCOM (Respondents in the above Writ Petition) who shall consider the objection on merits in accordance with law. The Hon'ble High Court had also directed that the officers of HESCOM may give a personal hearing to the Appellant if he so desired. The Respondent 1 has informed that HESCOM has taken action as per the directions of the Hon.High Court.

I have gone through the records. This case relates to unauthorized use of electricity and does not fall within the ambit of the Respondent 2 and of the Ombudsman under Regulation No.2 (g) (1) of the Karnataka Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulation 2004. The CGRF, HESCOM is therefore right in rejecting the petition of the Appellant.

Hence, the appeal does not survive and is accordingly rejected.

(Shaik Ahmed)
Ombudsman

Copy to:

1. Shri Y.K.Hoogara, Bharath Swimming Pool, Bijapur-Bagalkot Road, Bijapur.
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-560025.
4. The Asst.Executive Engineer(Ele), O & M Sub-Division, HESCOM, Bagalkot.
5. The General Manager, (Tech/Admn & HRD), HESCOM, Navanagar, Hubli-560025.
6. The Executive Engineer(Elec), O & M Division, HESCOM, Hubli.

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

