

**Before the Ombudsman, KERC, Bangalore**  
**Present: Shaik Ahmed, Ombudsman**  
**Case No. OMB/G/G-5/2005**  
**Dated 19.12.2005**

**Petitioner:**

The Asst. Executive Engineer (Elec.)  
O&M Sub-Division, GESCOM,  
Yadgir, Gulbarga.

**Respondent:**

The Consumer Grievance & Redressal Forum (CGRF),  
GESCOM, Gulbarga.

The Asst. Executive Engineer (Elec.) O&M Sub-Division, Yadgir, herein called the Petitioner has preferred an appeal against the Order passed by the Respondent on 10.08.2005. The appeal is preferred within the period prescribed under Clause 21.2 of the K.E.R.C. (Consumer Grievance Redressal Forum & Ombudsman) Regulation, 2004.

The facts of this case in brief are as follows:

One Shri Goutam Chand, S/o Pookraj Dhoka of Yadgir, has filed an application before the Respondent alleging that the Petitioner has not provided power supply to his commercial establishment (9 shops) situated at Yadgir Town, within the prescribed period although he has paid the required fee to the Petitioner. The Petitioner during the course of enquiry on 13.07.2005, had promised the Respondent to service the installation within 10 days *i.e.*, within 23.7.2005. The Respondent after an enquiry, has held that the Petitioner has not kept up his promise and has failed to service the installation even on the date of Order *i.e.*, on 10.08.2005. For the delay of 18 days (23.07.2005 to 10.08.2005), the Respondent has ordered that the Petitioner shall compensate Sri Goutham Chand a sum of Rs. 450 per day at the rate of Rs.50 per installation, till the installations are serviced.

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The Petitioner has informed that the installations could not be serviced as Sri Goutam Chand had not completed the wiring work. As a matter of fact, he (Petitioner) has sent a Notice to Sri Goutam Chand, on 21.07.2005 informing him that the wiring is not completed as on that date, and to complete the wiring work immediately for providing power supply. In response to this notice, Sri Goutam Chand has given a written reply on the same day (21.07.2005) informing the Petitioner that he could not complete the wiring work because of some other engagement and that he would complete the wiring work before the end of July, 2005 and intimate the Petitioner for servicing. The Petitioner has produced the copies of the letter addressed to Sri Goutam Chand and the reply received from him. Sri Goutam Chand has informed the completion of wiring work on 02.08.2005 and the installation has been serviced on the next day i.e., 03.08.2005. The Petitioner has further informed that he could not bring the above facts to the notice of Respondent because of heavy rains, floods, etc. The Respondent too has confirmed that the Petitioner has not brought all the facts to the notice of the Forum at the time of enquiry.

I have gone through all the materials placed before me by the Petitioner and the Respondent as well. The Petitioner is not responsible for the delay in providing service to the installations. As a matter of fact the delay was due to non-completion of wiring work by Sri Goutam Chand. The Petitioner has serviced the installations immediately after the completion of the wiring work. The Petitioner therefore, cannot compensate for the delay which was caused by Sri Goutam Chand. Nevertheless, the Petitioner has failed to submit the factual position to the Respondent before the impugned order was passed. Heavy rains/ floods should not be the reason for the Petitioner to submit the facts before the Respondent. When he could attend the enquiry before the Respondent, nothing prevented him to submit the actual facts. I only infer that the Petitioner although has taken timely action, on the other hand has taken the Respondent for granted. His slackness has, therefore, resulted in an adverse order against the

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licensee. Since there is a timely action without any delay on the part of Petitioner, he is not liable to compensate Sri Goutam Chand who is responsible for the delay.

### **Order**

In the circumstances explained above, the impugned order directing the Petitioner to compensate Sri Goutam Chand at the rate of Rs.450 per day is hereby set aside. There is no need for the Petitioner to compensate Sri Goutam Chand. The Petitioner has erred in not submitting the factual position before the Respondent which is a Statutory Authority. He is advised to be careful in future.

Shaik Ahmed,  
Ombudsman.

#### **To:**

1. The Asst.Executive Engineer(Ele), O&M Sub-Division, Yadgir – Petitioner.
2. The Chairman, Consumer Grievance Redressel Forum (CGRF), GESCOM, Gulbarga – Respondent.

#### **Copy to:**

3. The MD, GESCOM, Corporate Office, Main Road, Gulbarga.
4. The Chief Engineer, O&M Division, GESCOM, Gulbarga.
5. The Executive Engineer(Ele), O&M Sub-Division, Yadgir, Gulbarga Dist.

P.S. to Chairman/ P.S. to Member-I/ P.S. to Member-II/ Consultant (Consumer Advocacy).















