

Before the Ombudsman, K.E.R.C., Bangalore

Present: S.D.Ukkali

Ombudsman

Case No.OMB/B/G-47/2008/5664

Dated 27.02.2009

The Chairman,
Institute of Chartered Accountants of India,
Bangalore Branch, ICAI Bhavan,
16, Millers Tank Bed Area,
BANGALORE-560052

.. **Complainant**

Vs

1. The Asst.Exe.Engineer,
E-2 Sub Division, BESCOM,
Queen's Road,
BANGALORE-560052

2. The Consumer Grievance Redressal Firm,
BESCOM, Central Stores Premises,
Near ESI Hospital,
Rajajinagar,
BANGALORE-560010

.. **Respondents**

Present during the hearing held on 27.2.2009

1. Shri Basavaraj, Asst.Exe.Engineer, E-2 Sub Division, Queen Road, Bangalore
2. Sri Sridhar Prabhu, Counsel for the Complainant.

This is an Appeal Complaint filed by the Complainant, the Chairman, Institute of Chartered Accountants of India, Bangalore Branch, ICAI Bhavan, 16, Millers Tank Bed Area, Bangalore (represented by Shri Sridhar Prabhu, Advocate) against the order dated 30.4.2008 passed in file No.CGRF/2/2008/2741 by the 2nd Respondent. The 2nd Respondent has partly allowed the complaint filed by the Complainant and passed the order (1) setting aside back billing charges of Rs.1,40,859 preferred by the 1st Respondent for 389 days in Letter No.AEE/E2/AAO/SA111/2057 dated 30.10.2007 and (2) ordered the installation to be back billed for 6 months as per Clause 27.3(1) of Conditions of Supply.

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Aggrieved by the order of the Forum, the Complainant has filed this appeal complaint. The Complainant has explained the case in his complaint and has prayed to set aside the second part of the order of CGRF directing the back billing for 6 months. The Complainant has also made an interlocutory application for interim relief, citing the following grounds in support of interim relief.

“Complainant apprehends that the licensee, based on the impugned order of the CGRF at Annexure A-6 (colly) will make illegal demands and irrespective of the pendency of the representation may proceed with disconnecting the supplies to the complainant. The Complainant institute is a body created by the statute, a very reputed institution having highest reputation and respect in the society. Thousands of students avail training and tutoring in the premises of the Complainant. No hardship or difficulty is faced by the licensee if the impugned order is not given effect to in so far as the six months back billing charges are not levied. However, great hardship and inconvenience would be caused to the Complainant if the interim order as prayed herein is not allowed. In any case, the illegal demand made by the licensee is set aside by the CGRF terming the same as illegal and challenge of the Complainant is to only second part of the order mandating a back billing of 6 months.”

On receipt of the complaint, the 1st Respondent was orally instructed not to disconnect the installation till a final order is passed by this Authority.

The KERC(Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2004 vide sub-regulation 1 of Regulation 20 provides an opportunity for settlement by agreement through conciliation and mediation between the licensee and Complainant or by passing an award in accordance with these Regulations.

During the hearing on 12.2.2009, both the parties were advised to cooperate to explore the possibility of an agreement through conciliation and mediation. Both the Counsel for the Complainant and the 1st Respondent agreed to cooperate for a settlement. Aggrieved by the threat of

disconnection by the notice of disconnection dated 9.2.2009, the Complainant has filed another application on 25.2.2009 praying for an interim order not to disconnect the installation (citing non-payment of 6 months back billing) till the final order is passed by this Authority. In terms of Regulation 22.4 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004, it is felt that in the interest of justice, issue of an interim order is necessitated.

INTERIM ORDER

1) It is hereby ordered that the 1st Respondent shall not insist for payment of six months back billing charges as ordered by the 2nd Respondent against the installation bearing RR No. No.2EHT 63 belonging to the Complainant and shall not disconnect the installation till a final order is passed by this authority.

2) An opportunity of 10 days time from the date of this Order is granted to both parties to try and come forward to explore the possibility of settlement through conciliation and mediation in terms of Regulation 20(1) of the KERC(Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004.

(S.D.Ukkali)
Ombudsman

1. The Chairman, Institute of Chartered Accountants of India, Bangalore Branch, ICAI Bhavan, 16, Millers Tank Bed Area, Bangalore.
2. The Chairman, CGRF, BESCOM, Bangalore
3. The AEE, E-2 Sub Division, BESCOM, Queen Road, Bangalore
4. The Managing Director, BESCOM, K.R.Circle, Bangalore
5. PS to Hon.Chairman, KERC, Bangalore
6. PS to Hon.Member(H), KERC, Bangalore
7. PS to Hon.Member(S), KERC, Bangalore
8. PS to Secretary, KERC, Bangalore
9. OCA
10. Chairpersons of all CGRF
11. Advisory Committee Members & Members of CGRF nominated by Commission