

BEFORE THE ELECTRICITY OMBUDSMAN

No.16 C-1, Miller Tank Bed Area (Behind Jain Hospital)
Vasanthanagar, Bengaluru-560052.

Present: S.S Pattanashetti,
Electricity Ombudsman,

Case No. OMB/G/G-317/2019

Dated 20-06-2019

In the matter of

Sri Srimanth
S/o Yashwanthappa Navaldi,
486, Yashwanth Nagar, Udnoor Road,
Kalaburgi-585102.

Represented by:
Shri Ilyas M Sarmast,
Bait Al-Omer,
Qamarul Islam Colony,
Kalaburgi-585104. -

Appellant

Vs

- 1) The Chief Engineer (El)
Gulbarga Zone, GESCOM,
Station Main Road,
Kalaburgi-585102.
- 2) The Chairman, CGRF, Kalaburgi District,
O/o of the Superintendent Engineer (Elec.)
O & M Circle, GESCOM
Station Main Road,
Kalaburgi-585102. -

Respondents

1. This Application/Complaint is filed by Sri Srimanth S/o Yashwanthappa Navaldi (Appellant/Complainant), under the provisions of Clause 21.2 of the KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, in Form 'B'

challenging the order passed by CGRF Kalaburgi District, bearing No. SEE/O&M/EEE/DCA/SA-2/CGRF/2018-19/CYS-199 dated 22nd October 2018, before this Authority, by inter-alia seeking the following reliefs:

- a) To provide power supply by installing Transformers (sanctioned under DCW head) in the residential layout of the complainant;
- b) To award compensation as per the Regulation of Standards of Performance of KERC for the delayed period of power supply.

2. Brief facts, which are relevant to the case, are as follows:

- a) The Appellant/Complainant has registered 4 Nos. of applications on 12-07-2017 for electrification of residential layouts in 4 different Sy. Nos. of Udnoor Village of Kalaburgi Taluka which are in the name of the Appellant in the office of Assistant Executive Engineer, City Sub-Division (O & M), GESCOM, Kalaburgi. The Appellant has also paid the required fee of Rs 250/- for each application for registration on the same day. After inspection of the areas it was found that they fall under the jurisdiction of Rural Sub-Division and hence these applications were transferred to Assistant Executive Engineer, Rural Sub-division, Kalaburgi on 13-10-2017. After spot inspection, estimates were prepared and submitted on 12-01-2018, by the Section Officer, Kotnur Section. Approval for electrification was given on 27-03-2018, by the Chief Engineer after due processing and verifications at different levels. On 28-03-2018 the Appellant/Complainant paid the required fees to GESCOM. It was only on 11-04-2018 that the estimates were sanctioned.

- b) It is further stated that sanction of power supply was intimated on 27/03/2018 and also issued demand notice. It is further stated that the entire process taken by the Respondents for providing power sanction is 258 days, which is contrary to the Regulations of Standards of Performance (SoP) of KERC. The Appellant is seeking arrangement of power supply by installing transformers (sanctioned under DCW head) according to respective clause of KERC Regulations, and also award compensation as per Regulations of Standards of Performance (SoP) of KERC for the delayed period of power supply.
3. Both the parties were informed vide this office letter No. OMB/G/G-317/2019/D-1191 dated 30-01-2019, regarding availability of provisions in Sub-Regulation 1 of Regulation 20 of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement through conciliation and mediation and to appear before this Authority on 07/02/2019. However, they have not availed the benefit of the said provision.
4. The 2nd Respondent in the impugned order dated 22-10-2018 has made the following order:
- a) “After hearing on both sides, it is observed that the bone of contention of the complaint against Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi is for non-issuance of common power sanction for all the four layouts by the Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi, as per request of the complainant. Taking into consideration of the arguments put forth by the Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi and Sri Ilyas M.Saramast, Qamar Colony, Kalaburgi, the following conclusions have been drawn.
- b) The statement of the Ilyas Ahmed that he has not received the power sanction letters issued by Chief Engineer (Ele.) O & M Zone-

GESCOM, Kalaburgi is entirely false one, because he paid the supervision charges and other amounts in response to power sanction issued by the Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi, without power sanction letter he cannot pay the above said amount. Hence his allegation has been dismissed. The required certificates and power sanction were despatched by the same office, then the question of non-receipt of letters does not arise. It is deemed as the applicant received the power sanction and certificate well in time because the applicant not approached to office of the Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi, in respect of non-receipt of certificate. Hence, the allegation of the applicant in this regard has been dismissed. Under the circumstances explained above and taking into all the fact and figures and documents produced by both the parties the following order has been passed.

ORDER

- c) No. SEE/O&M/EEE/DCA/SA-2/CGRF/2018-19/CYS-199 dated 22nd October 2018: It is observed that the Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi has issued four numbers of power sanctions to different layouts. These layouts were approved by the competent authority. Hence the sanctions given by the Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi are in order as per the KERC norms. The Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi has disposed files as and when he/she received. The file not kept pending illegally with him. There is no delay on part of the Chief Engineer (Ele.) O & M Zone-GESCOM, Kalaburgi in sectioning and disposal of files. Hence the question of payment of compensation award under SoP does not arise.

Hence the case has been disposed”.

5. A notice was issued to both the parties vide this office letter No. OMB/G/G-317/2019/D-1191 dt. 30-01-2019 to appear before this authority and put forth their arguments. And the case was listed for hearing on 07-02-2019, 26-02-2019, 12-03-2019, 22-03-2019, 09-04-2019.
6. Heard both the parties. During the course of hearing on 22-03-2019, this Authority has directed the Respondents to submit their statement of explanation regarding delay occurred in sanctioning of power to the Appellant. In response to this both the Respondents have filed their joint reply dated 09-04-2019 by inter-alia stating as follows:
 - a) As per the available records/documents and also reply submitted by the concerned officers at different level it is ascertained that, the Appellant has registered his application on 12-07-2017 with the Urban Sub-Division No.4, GESCOM and noticed that the jurisdiction of the Application falls under Rural Sub-division and hence the same Application was returned back to the concerned jurisdiction of Kalaburgi Rural Sub-Division on 13-10-2017 and thereby there was delay of 90 days. It is further stated that the reason for delay as per the statement given by the Assistant Engineer (Tech) Urban Sub-Division-4, GESCOM, Kalburgi, who has stated that 4 Nos. of applications which was registered on 12-07-2017 has been spot inspected by the Appellant’s Representative alongwith concerned Section Officer and the Appellant’s Representative taken away the registered applications and informed him that the estimated bill will be prepared by himself. Further on 02-10-2017 the Appellant’s Representative has submitted the Applications and again on 09-10-2017 a spot inspection was

conducted and ascertained that the jurisdiction comes under Kalburgi Rural Division and hence on 13-10-2017 the same has been returned back to the concerned jurisdiction and handed over to the Section Officer on 10-01-2018, after due verification the Estimated bill was submitted on 12-01-2018 to the Sub-division. After spot inspection, scrutiny and verification of the estimate prepared by Section Officer, by the Assistant Executive Engineer, Executive Engineer, Superintending Engineer, finally the Chief Engineer (Ele.), GESCOM, Kalaburgi approved the estimate on 27-03-2018. The consumer paid the estimate amount on 28-03-2018. On 11-04-2018, the estimate was sanctioned. As such the process for sanction of estimate is completed on 11-04-2018.

- b) The Appellant's Representative vide his letter dated 20/03/2019 has stated that in order to explore the possibilities of the provisions in Sub-Regulation 1 of Regulation 20 of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement through conciliation and mediation with the Chief Engineer and Superintending Engineer of GESCOM, Kalaburgi with regard to arrangement of power supply by commissioning of Transformers and the same has been sanctioned under DCW basis to the said Residential layouts situated in the Sy. Nos. 122/9, 11/1 and 13/2 of Udnoor Village-Kalaburgi and prayed this Authority to grant order in the said case under Regulation of KERC in the interest of justice and equity.
7. After careful examination of the Appeal memo, the documents submitted and the statements made by the contesting parties, the issue arising for consideration are:

- 1) Whether there has been any delay on the part of the Respondents in approving the applications of the Appellant for power supply as per Karnataka Electricity Regulatory Commission (Licensees-Standards of Performance) Regulations, 2004?
 - 2) If there is delay, what is the compensation to be paid by the licensee to the Appellant?
8. My answer to both the issues are:
- (1) In the Affirmative.
 - (2) As detailed below.

As both the issues are inter related both are discussed together in the para below:

It is an undisputed fact that the Appellant filed 4 applications on 12-07-2017 before the licensee for electrification of residential layouts in 4 different Sy. Nos. of Udnoor Village of Kalaburgi Taluk. The Respondents say that these applications were submitted in the office of Assistant Executive Engineer, City Sub-Division,(O & M) GESCOM, Kalaburgi, where as the areas of applications filed fall under the jurisdiction of Assistant Executive Engineer, Rural Sub-Division, (O & M) GESCOM, Kalaburgi, and hence these applications were transferred to Assistant Executive Engineer, Rural Sub-Division (O & M) GESCOM, Kalaburgi on 13-10-2017. It is also an undisputed that the Chief Engineer, GESCOM, Kalaburgi approved the estimates for electrification on 27-03-2018. Though the applications for sanction of electrification were given on 12-07-2017 to Assistant Executive Engineer, City Sub-Division (O & M) GESCOM, Kalaburgi. This date cannot be considered for the purpose of calculation of delay because the Appellant submitted the applications to a wrong office. The

applications of the Appellant were received in Assistant Executive Engineer, Rural Sub-Division (O & M) GESCOM, Kalaburgi on 13-10-2017. In effect this date is considered as the date of filing of applications before the correct office responsible for approval of the applications of the Appellant. From the date of receipt of the applications in the correct office till the date of the approval of the estimate i.e., from 13-10-2017 till 27-03-2018, it has taken 165 days for the licensee to approve the estimate. As per Karnataka Electricity Regulatory Commission (Licensees-Standards of Performance) Regulations, 2004, Schedule-I, Sl.No.7, the licensee is supposed to give approval within 45 days from the date of receipt of application for LT supply where electricity supply requires extension of distribution mains. In the present case, the licensee has taken 165 days to give its approval. Excluding the period of 45 days the delay caused is 120 days in each case. As per the Standards of Performance, the consumer is entitled for Rs 50/- for each day of default in case of LT supply. For the 4 applications filed before the licensee the consumer is entitled for compensation of Rs 24,000/- (Rs 6,000/-x 4).

9. Hence the following order:

No. OMB/G/G-317/2019/D-1301

Dated 20-06-2019

O R D E R

- a) The order of CGRF-Gulbarga District bearing No. SEE/O&M/EEE/DCA/SA-2/CGRF/2018-19/Cys-199 dated 22nd October 2018 is set aside;

- b) The Appellant is entitled for payment of Rs 6,000/- compensation in each case for the delay caused in approving the application for sanction of LT connection. For 4 applications, the licensee to pay Rs 24,000/-;
- c) This order should be implemented within 30 days from the date of receipt of this order.

Sd/-
(S.S Pattanashetti)
Electricity Ombudsman.

- 1) Sri Srimanth
S/o Yashwanthappa Navaldi,
486, Yashwanth Nagar, Udnoor Road,
Kalaburgi-585102.
- 2) Shri Ilyas M Sarmast,
Bait Al-Omer,
Qamrul Islam Colony,
Kalaburgi-585104.
- 3) The Chief Engineer (EI)
Gulbarga Zone, GESCOM,
Station Main Road,
Kalaburgi-585102.
- 4) The Chairman, CGRF, Kalaburgi District,
O/o of the Superintendent Engineer (Elec.)
O & M Circle, GESCOM
Station Main Road,
Kalaburgi-585102.
- 5) PS to Hon'ble Chairman, KERC
- 6) PS to Hon'ble Member (M), KERC
- 7) PS to Hon'ble Member (R), KERC
- 8) PS to Secretary, KERC.
- 9) Chairperson of all CGRFs in the State.

