

**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-321/2019**  
**Dated 03-04-2019**

In the matter of

Shri Mohammed Rafik,  
No.13-3-88, S.Choudhari Complex,  
Near Teen Khandeel circle,  
Raichur-584101.

Represented by:

Shri S. Mehboob,  
No.13-2-2/195, Arjunappa Colony,  
Yeramaras Camp,  
Raichur-584135. -

Appellant

Vs

- 1) The Assistant Executive Engineer (Electrical),  
O & M Urban Sub-Division-2, GESCOM,  
Raichur.
- 2) The Chairman/Members,  
Consumer Grievance Redressal Forum,  
Raichur District, GESCOM,  
Raichur -

Respondents

1. This Application/Complaint is filed by Shri Mohammed Rafik (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, Raichur District bearing No. ಅಅ(ವಿ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/ 2018-19/6459-67 ದಿನಾಂಕ 14-02-2019, before this Authority, by inter-alia seeking the following reliefs:

- a) To withdraw excess amount claimed;
  - b) To withdraw bill for Rs 12,505/- included in the bill for the month of August 2018 without notice and without furnishing details;
  - c) To impose penalty of Rs 50/- per day as per Standards of Performance (SoP);
2. Brief facts, which are relevant to the case as claimed by the Appellant/complainant, are as follows:
- a) For installation bearing R.R No. 36687, Rs 12,505/- included in the energy bill for the month of August 2018 is without notice and without details mentioned.
  - b) It is further alleged that the Respondent-2 herein, has disposed of the complaint vide order No. ಅಅ(ಎ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6459-67 ದಿನಾಂಕ 14-02-2019, without recording the hearing of the consumer.
3. Both the parties were informed vide this office letter No. OMB/G/ G-321/2019/D-1210 dated 05-03-2019, regarding the 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 19-03-2019. However, they have not availed the benefit of the said provision. The case was heard on 19-03-2019 and 03-04-2019.
4. During the course of hearing, I have perused the documents filed by the Appellant/complainant and it is found that there are certain irregularities and lacuna in the order dated 14-02-2019 passed by the CGRF, Raichur District and noticed that only chairperson has put his signature and passed the order without the signature of the Members of CGRF. As per KERC (CGRF & Ombudsman) Regulations, 2004,

Clause 8.3, all the Members and Chairperson of CGRF conducting the proceeding of hearing have to sign the order passed by it. From a perusal of the CGRF order dated 14-02-2019, it is observed that 2 (two) members of the CGRF were present during the hearing of the case, but they have not signed the order, as required under Clause 8.3 of the KERC (CGRF & Ombudsman) Regulations, 2004. This is a serious lapse and lacuna in the CGRF order.

5. For the foregoing reasons, I proceed to pass the following order:

**No. OMB/G/G-321/2019/D-**

**Dated 03-04-2019**

**O R D E R**

The order of CGRF-Raichur District bearing No. ಅಅ(ಎ)ಉಲೆನಿ/ಲೆಅ/ಸಲೆಅ/ಹಿಆಸ/2018-19/6459-67 ದಿನಾಂಕ 14-02-2019 is set aside and the matter is remanded back to CGRF to hold a fresh hearing strictly in accordance with the KERC (CGRF & Ombudsman) Regulations, 2004.

Sd/-

(S.S Pattanashetti)  
Electricity Ombudsman.

- 1) Shri Mohammed Rafik,  
No.13-3-88, S.Choudhari Complex,  
Near Teen Khandeel circle,  
Raichur-584101.
- 2) Shri S. Mehboob,  
No.13-2-2/195, Arjunappa Colony,  
Yeramaras Camp,  
Raichur-584135.

- 3) The Assistant Executive Engineer (Electrical),  
O & M Urban Sub-Division-2, GESCOM,  
Raichur.
  
- 4) The Chairman,  
Consumer Grievance Redressal Forum,  
Raichur District/  
Superintending Engineer, GESCOM,  
Raichur.
  
- 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.

