

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/H/G-322/2019
Dated 11-06-2019

In the matter of

Secretary,
SSK Samaj Keshwapur Trust Committee,
Hastinapur Layout,
Keshwapur,
Hubballi.

Represented by:
Shri Tushar M.Baddi,
Arihant Park, Keshwapur,
Hubballi-580023. -

Appellant

Vs

- 1) The Assistant Executive Engineer (Electrical),
O & M City Sub Division-1, HESCOM,
Hubballi.
- 2) The Executive Engineer (Electrical),
O & M Urban Division, HESCOM,
Hubballi.
- 3) The Chairman, CGRF, Dharwad District,
O/o of the Superintendent Engineer (Elec.)
O & M Circle, HESCOM, Shivaganga Layout,
Kusugal Road,
Hubballi. -

Respondents

1. This Application/Complaint is filed by the Secretary, SSK Samaj Keshwapur Trust Committee (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 Dharwad District, bearing No.

ಅಇಂ(ಏ)/ಉಲೆನಿ/ಹಿಸೆ-1/ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-241/ಸಿವೈಎಸ್-1353 dated 19-01-2019 before

this Authority, by inter-alia seeking the following reliefs:

- a) To direct the Respondent(s) to pay the compensation as stipulated under Sl.No.14 of KERC (Standards of Performance) Regulation 2004;
- b) To impose penalty on the Respondent individual for not complying with the regulations framed by the Commission;
- c) To pass such other further order or orders as the Hon'ble Authority may deem just, fit and proper.

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

- a) The Appellant/Complainant had filed an application for refund of his Advance Consumption Charges paid during availing temporary power supply to an extent of 2 KW duly paying Rs 6,770/- vide Receipt No.754388139027 dated 08/03/2017. The temporary power supply was dismantled and the complainant herein sought refund of the said amount through refund application in duplicate along with original receipt on 24-09-2017.
- b) It is further stated that aggrieved by the inordinate delay in refunding the deposit amount and as the appellant did not hear anything from the licensee the complainant herein moved an application on 05-07-2018 before the licensee claiming Rs 50/- per day as stipulated under Sl.No.14 of KERC Licensees (Standards of Performance) Regulations, 2004.
- c) It is further stated that only on 30-11-2018 the Appellant received the Advance Consumption charges of Rs 6,770/- through cheque bearing No. 362937 dated 20-11-2018 with a covering letter bearing No. 484/HBL/AO/Cash/12347-48 dated 30-11-2018 from

the office of the Accounts Officer, O & M Urban Division, HESCOM, Hubballi.

- d) It is further stated that the Appellant approached the Forum because of prolonged delay and/or late payment of substantial principal amount (ACC) paid by HESCOM. The appellant primarily seeks directions to Licensee to pay the compensation amount in terms of Sl.No.14 KERC Licensees (Standards of Performance) Regulations, 2004 from the date of filing the refund application i.e., from 24-09-2017 till the refund of ACC amount i.e., till 30-11-2018 excluding 2 months grace period, as the Forum has awarded only interest in terms of clause 12.01(c) of KERC Conditions of Supply @ 1% per month on actual number of days delayed on the amount due for refund.
 - e) It is further stated that the present appeal has been necessitated because HESCOM while showing complete disregard towards the regulations framed by the Commission, has not complied with the KERC Standards of Performance. It is further stated that the nature of Standards of Performance as rightly observed by the Commission is of a charge based on time value of money, for default in timely payment of claims. Non-payment of SoP charges would further lead to attraction of penal interest.
 - f) It is further stated that the Appellant wishes to reserve his right to initiate proceedings against the licensee in terms of Section 142 & 146 read with clause 3 of 18 of Conditions of licence.
3. Both the parties were informed vide this office letter No. OMB/H/G/G-322/2019/D-1211 dated 05-03-2019, 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 19/03/2019. However, they have not availed the benefit of the said provision.

4. The 2nd Respondent in the impugned order dated 19th January 2019 has made the following order:

“ಸದರ ಪ್ರಕರಣದಲ್ಲಿ ಗ್ರಾಹಕರ ಹೇಳಿಕೆ ಹಾಗೂ ನಿಗಮದ ಅಧಿಕಾರಿಗಳ ಹೇಳಿಕೆ ಮತ್ತು ಕಡತದಲ್ಲಿಯ ಕಾಗದ ಪತ್ರಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಕೆಳಕಂಡ ಮಾಹಿತಿ ಕಂಡು ಬರುತ್ತದೆ.

1. ಸ್ಥಾವರ ಸಂಖ್ಯೆ: KTL-10924 ನ್ನು ಕಾರ್ಯದರ್ಶಿ, ಎಸ್.ಎಸ್.ಕೆ.ಸಮಾಜ ಇವರ ಹೆಸರಿನಲ್ಲಿ ತಾತ್ಕಾಲಿಕ ಸ್ಥಾವರ ಸಂಪರ್ಕಿತಗೊಂಡಿದ್ದು, ಸದರಿ ಸ್ಥಾವರಕ್ಕೆ ಸಂಪರ್ಕ ಕಲ್ಪಿಸಲು ಮುಂಗಡ ವಿದ್ಯುತ್ ಬಳಕೆ ಶುಲ್ಕವನ್ನು(A.C.C) ಠೇವಣಿ ಮೊತ್ತ ರೂ. 6,770/-ಗಳನ್ನು ಪಾವತಿಸಿದ್ದಿರುತ್ತದೆ. ಸದರಿ ಮುಂಗಡ ವಿದ್ಯುತ್ ಬಳಕೆ ಶುಲ್ಕವನ್ನು(A.C.C) ಮೊತ್ತವನ್ನು ಪಾವತಿಸುವಂತೆ ಗ್ರಾಹಕರು ದಿನಾಂಕ: 24-09-2017ರಲ್ಲಿ ಸ.ಕಾ.ನಿ.ಇಂ(ವಿ), ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-1, ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿ ರವರಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಸದರಿ ಮೊತ್ತವನ್ನು ದಿನಾಂಕ 20-11-2018ರಂದು ಲೈಸನ್ಸುದಾರರು ಪಾವತಿಸಿರುತ್ತಾರೆ. ಮುಂಗಡ ವಿದ್ಯುತ್ ಬಳಕೆ ಶುಲ್ಕದ (A.C.C) ಮೊತ್ತವನ್ನು ಪಾವತಿಸಲು ತೆಗೆದುಕೊಂಡು ವಿಳಂಬವಾದ ದಿನಗಳಿಗೆ ಕ್ರಮ ಸಂಖ್ಯೆ-14 ಕೆ.ಇ.ಆರ್.ಸಿ (ಎಸ್.ಓ.ಪಿ) ರೇಗ್ಯುಲೇಷನ್-2004 ರಂತೆ ಸಾಂತ್ವನ ಮೊತ್ತವನ್ನು ಪಾವತಿಸುವುದು ಮತ್ತು ಮುಂಗಡ ವಿದ್ಯುತ್ ಬಳಕೆ ಶುಲ್ಕದ (A.C.C) ಮೊತ್ತಕ್ಕೆ ತಿಂಗಳಿಗೆ 1% ಬಡ್ಡಿ ದರದಲ್ಲಿ ದಂಡವನ್ನು ಪಾವತಿಸಿಕೊಡುವಂತೆ ವಿನಂತಿಸಿ, ದಿನಾಂಕ 03-12-2018 ರಂದು ವೇದಿಕೆಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.
2. ಎಸ್.ಎಸ್.ಕೆ.ಸಮಾಜ, ಕೇಶ್ವಾಪೂರರವರು ತಾತ್ಕಾಲಿಕ ವಿದ್ಯುತ್ ಸ್ಥಾವರ ಸಂಖ್ಯೆ KTL-10924 2 ಕೆ.ವ್ಯಾ ಎಲ್.ಟಿ.7ಎ ಜಕಾತಿಯಡಿಯಲ್ಲಿ ವಿದ್ಯುತ್ ಮಂಜೂರಾತಿ ಪಡೆದಿದ್ದು, ದಿನಾಂಕ 13-03-2017 ರಂದು ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ. ಸದರಿ ಗ್ರಾಹಕರು ತಾತ್ಕಾಲಿಕ ವಿದ್ಯುತ್ ನಿಂದ ಖಾಯಂ ವಿದ್ಯುತ್ ಸಂಪರ್ಕಹೊಂದಿ, ತಾತ್ಕಾಲಿಕ ವಿದ್ಯುತ್ ಸಂಪರ್ಕಕ್ಕೆ ಸಂದಾಯಿಸಿದ ಹೆಚ್ಚುವರಿ ಎ.ಸಿ.ಸಿ. ಮೊತ್ತ ರೂ. 6770/- ಅನ್ನು ಹಿಂದಿರುಗಿಸುವಂತೆ ಕೋರಿ ಈ ಕಛೇರಿಗೆ ದಿನಾಂಕ 24-09-2017 ರಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಎ.ಸಿ.ಸಿ. ಮೊತ್ತ ರೂ. 6770/- ಅನ್ನು ಹಿಂಪಡೆಯುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪತ್ರ ಸಂಖ್ಯೆ: 9571-73 ದಿ: 16-10-2017 ರಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್(ವಿ) ರವರಿಗೆ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ. ಸದರಿ ಸ್ಥಾವರವನ್ನು ಸಿಸಿಬಿಯಲ್ಲಿ ಶಾಶ್ವತ ನಿಲುಗಡೆಗೊಳಿಸದ ಕಾರಣ ಠೇವಣಿ ಹಿಂದಿರುಗಿಸುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ದಿ: 04-12-2017 ರಲ್ಲಿ ಹಿಂದಿರುಗಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಸದರಿ ಸ್ಥಾವರವನ್ನು ಸಿಸ್ಟಮನಲ್ಲಿ ಡಿಸ್‌ಮೆಂಟಲ್ ಮಾಡುವಂತೆ ಕೇಶ್ವಾಪೂರ ಶಾಖಾಧಿಕಾರಿಗಳಿಗೆ ಸೂಚಿಸಲಾಗಿದ್ದಿರುತ್ತದೆ. ದಿ: 31-07-2018ರಂದು ಲೆಕ್ಕಾಧಿಕಾರಿ(ಅಂ.ಪ) ಕಾ ಮತ್ತು ಪಾ ಶಹರ ವಿಭಾಗ, ಇವರು ಎ.ಸಿ.ಸಿ.ಠೇವಣಿ ಮರುಪಾವತಿ ಪರಿಶೀಲನೆ ಮಾಡಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್(ವಿ) ರವರಿಗೆ ಸಲ್ಲಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್(ವಿ) ರವರು ದಿನಾಂಕ 23-08-2018ರಂದು ಎ.ಸಿ.ಸಿ. ಮೊತ್ತವನ್ನು ಗ್ರಾಹಕರಿಗೆ ಹಿಂದಿರುಗಿಸಲು ಅನುಮತಿ ನೀಡಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಅದರಂತೆ ದಿನಾಂಕ 20-11-2018 ರಂದು ಚೆಕ್ ನಂ-362937ರಲ್ಲಿ ಎ.ಸಿ.ಸಿ ಮೊತ್ತ ರೂ. 6770/- ಗಳನ್ನು ಗ್ರಾಹಕರಿಗೆ ಹಿಂದಿರುಗಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ ಎಂದು ಸ.ಕಾ.ನಿ.ಇಂ(ವಿ), ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-1, ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿ ರವರು ವೇದಿಕೆಗೆ ಲಿಖಿತ ಹೇಳಿಕೆಯ ಮೂಲಕ ತಿಳಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.

3. ಮೇಲಿನ ಎಲ್ಲ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಸ.ಕಾ.ನಿ.ಇಂ(ವಿ),ಯವರು ಆಡಳಿತಾತ್ಮಕ ಕಾರಣಗಳಿಂದ ಸದರಿ ಎ.ಸಿ.ಸ. ಮೊತ್ತವನ್ನು ಮರು ಪಾವತಿಸಲು ವಿಳಂಬವಾಗಿರುತ್ತದೆ ಎಂದು ಕಾರಣ ನೀಡಿರುವುದು ಸಕರಾಣವಾಗಿರುವುದಿಲ್ಲ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಗ್ರಾಹಕರು ವಿನಂತಿಸಿಕೊಂಡಿರುವಂತೆ KERC (SoP) ಕ್ರಮ ಸಂಖ್ಯೆ-14 ರಂತೆ ಸಾಂತ್ವನ ಮೊತ್ತವನ್ನು ಗ್ರಾಹಕರಿಗೆ ನೀಡುವುದಕ್ಕೆ ಅವಕಾಶ ವಿರುವುದಿಲ್ಲ ಮತ್ತು ವಿದ್ಯುಚ್ಛಕ್ತಿ ಅಧಿನಿಯಮ 2003, ಸೆಕ್ಷನ್ 142 ಮತ್ತು 146ರ ಪ್ರಕಾರ ಲೈಸೆನ್ಸುದಾರರ ವಿರುದ್ಧ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವ ಅಧಿಕಾರವು ಈ ವೇದಿಕೆ ವ್ಯಾಪ್ತಿಗೆ ಬರುವುದಿಲ್ಲ. ಮುಂದುವರೆದು ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಗ್ರಾಹಕರ ತಾತ್ಕಾಲಿಕ ಸ್ಥಾವರದ ಎ.ಸಿ.ಸಿ. ಮೊತ್ತವನ್ನು Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka ರ ರೆಗ್ಯೂಲೇಷನ್ 12.01(ಸಿ) ಪ್ರಕಾರ ಗ್ರಾಹಕರು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ದಿನಾಂಕದಿಂದ 2 ತಿಂಗಳುಗಳೊಳಗಾಗಿ ಲೈಸೆನ್ಸುದಾರರ ಮುರುಪಾವತಿಸಬೇಕಾಗಿದ್ದು, ಲೈಸೆನ್ಸುದಾರರು ಗ್ರಾಹಕರ ತಾತ್ಕಾಲಿಕ ಸ್ಥಾವರದ ಎ.ಸಿ.ಸಿ ಮೊತ್ತವನ್ನು ಮರು ಪಾವತಿಸಲು 12 ತಿಂಗಳು ವಿಳಂಬ ಮಾಡಿರುವುದು ಮೇಲಿನ ಅಂಶಗಳಿಂದ ಕಂಡುಬರುತ್ತದೆ. ಆದ್ದರಿಂದ ವಿಳಂಬದ ಅವಧಿಗೆ Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka ರ ರೆಗ್ಯೂಲೇಷನ್ 12.01(ಸಿ) ರ ಅನ್ವಯ ಲೈಸೆನ್ಸುದಾರರು ಬಡ್ಡಿಯನ್ನು ಗ್ರಾಹಕರಿಗೆ ಪಾವತಿಸಲು ಬಾಧ್ಯಸ್ಥರಾಗಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಈ ಕೆಳಗಿನಂತೆ ಆದೇಶಿಸಲಾಗಿದೆ.

ಆದೇಶ ಸಂಖ್ಯೆ:ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-241/cys-1353, ದಿನಾಂಕ: 19-01-2019 ಗ್ರಾಹಕರ ಕುಂದು ಕೊರತೆ ನಿವಾರಣಾ ವೇದಿಕೆಗೆ ಆದೇಶ ಸಂಖ್ಯೆ ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಓ/13-14/ಸಿವೈಎಸ್-769 ದಿ: 16-07-2013 ರನ್ವಯ ಹಾಗೂ ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಓ/16-17/ಸಿವೈಎಸ್-3851 ದಿ: 28-01-2017 ಮತ್ತು ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಓ/15-16/ಸಿವೈಎಸ್-961 ದಿನಾಂಕ:13-06-2018ರನ್ವಯ ದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ ಈ ಕೆಳಗಿನಂತೆ ಆದೇಶಿಸಲಾಗಿದೆ.

1. ಗ್ರಾಹಕರ ಮನವಿಯನ್ನು ಭಾಗಶಃ ಪುರಸ್ಕರಿಸಲಾಗಿದೆ.
 2. ಲೈಸೆನ್ಸುದಾರರು Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka ರ ರೆಗ್ಯೂಲೇಷನ್ 12.01(ಸಿ) ರ ಅನ್ವಯ ಗ್ರಾಹಕರ ತಾತ್ಕಾಲಿಕ ಸ್ಥಾವರದ ಎ.ಸಿ.ಸಿ ಮೊತ್ತವನ್ನು ಮರು ಪಾವತಿಸಲು ವಿಳಂಬಮಾಡಿದ ಅವಧಿಗೆ ಬಡ್ಡಿಯನ್ನು ನೀಡುವುದು.
5. A Notice was issued to both the parties vide this office letter No. OMB/H/G-322/2019/D-1211 dt. 05/03/2019 to appear before this authority and put forth their arguments. And the case was listed for hearing on 19/03/2019 & 03/04/2019.
6. Heard both the parties. The Respondent-1 has filed parawise reply vide letter dated 18/03/2019, by inter-alia stating as follows:
- a) The Appellant had been sanctioned temporary power supply to R.R bearing No. KTL 10924 to an extent of 2 KW under LT-7A

and the same has been provided on 13-03-2017. On 24-09-2017 the Appellant has filed an application for refund of advance consumption charges of a sum of Rs 6,770/- and the said proposal was sent to the Executive Engineer, O & M Urban Division, HESCOM, Hubballi on 16-10-2017 for consideration. The Executive Engineer, O & M Urban Division, HESCOM, Hubballi vide his letter dated 04-12-2017 has returned back the proposal to the Sub-division to dismantle the temporary power supply and the same has been communicated orally to the Section Officer on various occasions. Further, the Respondent on 07/07/2018 has written letter to the Executive Engineer, O & M Urban Division, HESCOM, Hubballi to refund the Advance paid by the Appellant and again the Section Officer has been asked to submit report towards dismantling of the system provided to the Appellant. The Accounts Officer vide his letter dated 31-07-2018 after due verification submitted his report for refund of ACC. On the basis of the report of Accounts Officer, approval has been granted by the Executive Engineer (Ele.) for refund of ACC, and a sum of Rs 6,770/- vide cheque bearing No. 362937 dated 20/11/2018 has been refunded to the Appellant. The Appellant has filed an Application before the CGRF claiming interest at the rate of 1% per month towards the advance Consumption Charges of Rs 6,770/- for the inordinate delay in refund the deposit amount as per Sl.No.14 of KERC Licensees (Standards of Performance) Regulations, 2004 on 03-12-2018. The CGRF vide order dated 19-01-2019 has partially considered the Appeal of the Appellant and issued instructions to the Licensee to refund the Advance

Consumption Charges collected from the Appellant with interest for the delayed period as per Regulations 12.01(C) - Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. It is also submitted that the Respondent have observed and acted in accordance with the Regulations of KERC, and prayed before this Authority to dismiss the appeal filed by the Appellant and to uphold the order dated 19-01-2019 passed by the CGRF.

7. The Appellant's Representative has filed Additional Memo dated 26/03/2019, which is taken on record, by inter-alia stating that:
 - a) It is undisputed that the Appellant has applied for refund of Advance Consumption Charges of Rs 6,770/- on 24-09-2017 to the office of the Respondent No.1. It is further submitted that in order to comply with the refund application, the Respondent has forwarded the same to the Divisional office on 16-10-2017 for further consideration, and the complete responsibility is fixed on licensee to refund the amount to the consumer.
 - b) It is further submitted that the refund application was returned back to the Respondent-1 with some office objections which has nothing to do with the consumer, but the same seems to be the lapses on the part of the concerned employees of the Respondent No.1.
 - c) It is further submitted that Respondent-1 has agreed to the fact that the Divisional office has approved to refund the amount on 23-08-2018, but the amount was refunded by way of cheque on 20-11-2018, after a lapse of 87 days.

- d) It is further submitted that Respondent-1 while submitting the refund application to the Executive Engineer the amount is termed as “Deposit” and also mentioning it while seeking “compliance of meter dismantled” to the Section Officer the amount is termed as “Deposit”. Further on various occasions the Respondent-1 has termed the amount as “Deposit”.
- e) The Appellant’s Representative further relied on similar cases, order passed by this Authority in Case No. OMB/H/G-114/2011/11322 dated 01-12-2011 – Sri Ashok S. Habib Vs Assistant Executive Engineer, O & M Sub-Division-2, HESCOM Hubli & another, wherein it was held that the appeal of the Appellant was considered and awarded SoP charges on the amount deposited for his Temporary installation which was taken for a period of 7 days, even on this issue the licensee had collected Advance Consumption Charges and Meter Security Deposit; Case No. OMB/H/G-155/2013/294 dated 30-09-2013 – Sri M.V Kamath Vs Assistant Executive Engineer, O & M City Sub-Division-1, HESCOM Hubli & another, wherein it was held that the Appeal of the Appellant was considered and awarded interest @ 1% and also to pay the amount in terms of KERC (Licensee’s Standards of Performance) Regulations-2004 i.e., Rs 50/- per day on the amount deposited for his Temporary installation.
- f) It is further submitted that as per Section 47(1) of the Electricity Act 2003, the distribution licensee is entitled to recover security from the consumers as determined by the Regulations for payment to him of all monies which may become due to him in respect of electricity supplied and provisions of electrical line or

plant or meter. As per Section 47(4) of the Electricity Act, the distribution licensee has to pay interest equivalent to bank rate or more as specified by the State Commission in complaint No.7/2013 who gave such security, and therefore prayed this Authority that in this case also the deposit is kept as security by the licensee for a period from 13-03-2017 to 20-11-2018 i.e., for a period of 20 months.

8. After careful examination of the Appeal Memo, the submissions made by the contesting parties and the arguments put forth by them, the following issues arise for consideration:
 - a) Whether the Advance Consumption Charges (ACC) paid by the Consumer towards sanction of his Application for temporary power supply can be considered as Deposit;
 - b) Whether the Advance Consumption Charges (ACC) paid by the Consumer attracts the provisions of Karnataka Electricity Regulatory Commission (Licensees-Standards of Performance) Regulations, 2004 Schedule-I Sl.No.14.
9. My findings to the above issues are:
 - (1) In the Negative;
 - (2) In the Negative.

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

Provisions regarding temporary power supply is contained in clause 12.01 of Notification No: EN27 PSR 205, dated 17-06-2006, Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. Clause 12.01 (c) Estimated Power Consumption Charges reads as follows:

12.01 APPLICABLE TO L.T TEMPORARY POWER SUPPLY:

c) Estimated Power Supply consumption charges:

“Applicant/Consumer shall deposit advance estimated power consumption charges for the energy calculated at 12 units per KW per day for the duration of temporary power supply. This shall be adjusted towards periodical bills of the prevailing Tariff rates based on the actual consumption and any balance amount at the credit of the Consumer after the disconnection of temporary supply shall be refunded to him on application within two months by a cheque or the same shall be adjusted to the existing permanent R.R. No. in the name of the same Consumer as requested by him in his application. If the amount due to the Consumer is not refunded within two months of receipt of valid refund bill, the Licensee shall pay interest at 1% per month on actual number of days of delay on the amount due for refund. If the amount deposited falls short of the power consumption charges, the Licensee shall take immediate action for recovery of the balance amount.”

As per this Clause, the CGRF-Dharwad District has ordered for payment of interest for the period of delay in refund of Advance Consumption Charges (ACC). In the submissions made by the Respondent/Assistant Executive Engineer (Ele.) before this authority on 03-04-2019, he has stated that the Appellant has paid only Advance Consumption Charges (ACC) and not paid any deposit. As per KERC (Interest on Security Deposit) Regulations, 2005 Security Deposit is defined as follows:

“Security Deposit” means MMD (Months Minimum Deposit)/MSD (Meter Security Deposit). MMD includes 2 Months Minimum Deposit/3 Months Minimum Deposit/Year’s Minimum Deposit.”

So, in the Karnataka Electricity Regulatory Commission (Licensees- Standards of Performance) Regulations, 2004 Sl.No.14 of Schedule-I refund of deposit refers to Security Deposit paid by the Consumer. In the present case, the Consumer has not paid any Security Deposit to the Licensee, but has paid only Advance Consumption Charges (ACC). As per Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. Clause 12.01 (c), the Appellant has been sanctioned 1% interest on the delayed period of refund of his Advance Consumption Charges (ACC) by the CGRF-Dharwad District. When the Appellant has not paid any deposit the question of refunding the same does not arise and the question of giving compensation to the Appellant for the delay in refunding does not arise at all. In case the prayer of the Appellant is allowed, it would amount to giving two reliefs for one payment made to the licensee. The facts and circumstances of the cases of 2 (two) examples mentioned by the Appellant’s Representative in support of his claim for compensation under Standards of Performance are altogether different and hence cannot be considered.

10. In view of the foregoing discussions, I proceed to pass the following order.

O R D E R

The Appeal filed by the Appellant is dismissed.

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

- 1) Secretary,
SSK Samaj Keshwapur Trust Committee,
Hastinapur Layout,
Keshwapur,
Hubballi.
- 2) Shri Tushar M.Baddi,
Arihant Park, Keshwapur,
Hubballi-580023.
- 3) The Assistant Executive Engineer (Electrical),
O & M City Sub-Division, HESCOM,
Hubballi.
- 4) The Executive Engineer (Electrical),
O & M Urban Division, HESCOM,
Hubballi.
- 5) The Chairman, CGRF, Dharwad District,
Office of the Superintendent Engineer (Elec.)
O & M Circle, HESCOM Shivaganga Layout,
Kusugal Road,
Hubballi.
- 6) PS to Hon'ble Chairman, KERC
- 7) PS to Hon'ble Member (M), KERC
- 8) PS to Hon'ble Member (R), KERC
- 9) PS to Secretary, KERC.
- 10) Chairperson of all CGRFs in the State.

