

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-355/2019
Dated 27/11/2019

In the matter of

Shri Sharanabasav,
S/o. Laxmanrao Gogi,
#1-949/2/544/A, Sharan Krupa,
Dariyapur GDA Layout,
Opp. Sri Koranti Hanuman Temple,
Kalaburgi - 585101.

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

Appellant

Vs

- 1) The Assistant Executive Engineer (Elec),
O & M Sub-Division-1, GESCOM,
Kalaburgi District.
- 2) Chairperson, Consumer Grievance Redressal Forum (CGRF)
Kalaburgi District,
Superintending Engineer (Ele), O & M Circle, GESCOM,
Station Main Road,
Kalaburgi District. - Respondents

- 1) This Appeal/Complaint is filed before this Authority, by Shri Sharanabasav, (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 No.

CGRFಅ.ಇಂ(ಬಿ)/ಗು/ಉಲೆನಿ/ಲೆಅ/ಸಲೆ/ಹಿಸ-2/ಗುವಿಸಕಂನಿ/19-20/CYS-16
dated 16-05-2019 of CGRF, Kalburgi District, by inter-alia seeking the
following reliefs:

- a. To award the compensation under the Regulation of Standards of Performance of KERC for the delayed periods from the date of registration of Application to date of supply of power to said residential layout installations.
 - b. To refund the excess amounts paid by the complainant under the head of 10% Supplementary charges, 18% GST and DCW head.
- 2) Brief facts, which are relevant to the case as claimed by the Appellant/Complainant are as follows:

The above said Appellant/Complainant registered his application at office of Assistant Executive Engineer (Ele) O & M, Rural Sub Division, Kalaburgi District for basic electrification and arranging power supply to his residential layout. On receipt of Appellant/Complainant's application the area Section Officer prepared and submitted the estimate (UG cable system) for basic electrification amounting to Rs. 26,54,797/- with higher rating capacity of 315 KVA transformer instead of lower rating capacity of 1x100 & 1x250 KVA transformer for service of residential layout under self-execution scheme before the office of the Assistant Executive Engineer (Ele), O & M Rural Sub-Division, GESCOM, Kalaburgi for sanction. The AEE (Ele) forwarded the above said UG cable estimate on 20-01-2017 to Executive Engineer (Ele), O & M Division-1, GESCOM, Kalaburgi for sanction. The Executive Engineer (Ele), O & M Division-1, GESCOM, Kalaburgi forwarded the said estimate on 31-01-2017 to

next higher authority Superintending Engineer, O & M Circle Office, Kalaburgi after proper scrutiny and verification for sanction under self execution. On receipt of the said estimate for basic electrification, the Superintending Engineer, O & M Circle Office, Kalaburgi issued a letter bearing No. 9330-32, dated 03-03-2017 with a request for clarification to Hon'ble Secretary KERC, Bengaluru, regarding sanction of power to the said residential layout. After receipt of clarification letter from KERC, the Superintending Engineer (Ele) submitted an estimate on 31-05-2017 to sanctioning authority Chief Engineer (Ele). The Chief Engineer (Ele) returned the said estimate with observations vide letter No. 2143-46, dated 19-06-2017 to Superintending Engineer (Ele) O & M Circle, Kalaburgi for installation of standard rating transformers etc., under self execution & DCW basis. The Chief Engineer (Ele) issued power sanction bearing letter No. 3451-54, dated 17-08-2017 with details of payment. After receipt of said letter the Appellant/Complainant have paid the amounts towards 10% Supervision charges, 18% GST and DCW cost on 27-12-2017. After receipt of said payment the Chief Engineer (Ele) issued a (Certificate) Technical Sanction No. 156 vide letter No. 8154-58 dated 20-02-2018 by revised the estimate under the new Schedule of Rates of GESCOM. After completion of basic electrification in the said layout, the respondent authorities delayed service. Hence the Appellant/Complainant filed a petition before the CGRF Kalaburgi on 04-10-2018 for relief sought in accordance with Conditions of Supply of Electricity (COS) and Standards of Performance (SOP) of KERC. The CGRF Kalaburgi District has passed an order against the law, justice and equity. The Appellant/Complainant most respectfully prays to consider

the complaint sympathetically and set aside the impugned order passed by CGRF Kalaburgi District and award compensation under KERC Regulation of SOP and also refund the excess amount paid to the Appellant/Complainant in the interest of justice and equity.

- 3) Both the parties were informed vide this office letter No. OMB/G/G-355/2019/D-1335 dated 05-08-2019, regarding availability of provision 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 21-08-2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 21-08-2019, 05-09-2019 and 16-09-2019.
- 4) The Appellant/Complainant at the time of filing of Appeal/Complaint dated 29-07-2019 in Form B had nominated Shri Ilyas M Sarmast as his representative. The Appellant/Complainant vide his authorization letter dated 19-08-2019 has requested this authority to allow Shri Mohammed Muneer (Journalist) Kalaburgi, to appear on his behalf. Shri Mohammed Muneer appeared before this authority in the hearing held on 21-08-2019. After this date 2 more hearings i.e., 05-09-2019 and 16-09-2019 have been held in this case. On both the occasions Shri Mohammed Muneer has remained absent. The Respondent-1/AEE appeared for the hearing held on 05-09-2019 and 16-09-2019. On 16-09-2019 the Respondent-1/AEE has submitted a chronology of events in this case and has called the same as his parawise replies. In the order of CGRF Kalaburgi District dated 16-05-2019, it is said that as 350 KVA transformer was not available and hence the delay caused is justified which was also accepted by the Appellant/Complainant. Hence compensation as per Standards of Performance (SOP) cannot be

given to the Appellant/Complainant. As regard to refund of deposit paid by the Appellant/Complainant it is ordered that the request of the Appellant/Complainant should be considered as per rules and necessary action be taken.

5) The Appellant/Complainant has not submitted along with his Appeal/Complaint all the documents required for adjudication of the matter. The representative of the Appellant/Complainant also remained absent for 2 consecutive hearings held by this authority. The CGRF order says that the Appellant/Complainant has agreed that the delay in execution of the power supply work was due to non-availability of 350 KVA transformer which has been accepted by the Appellant/Complainant. Neither the Appellant/Complainant nor his representative appeared before this authority to know their acceptance of cause of delay and what measures they have taken for taking refund of deposit as ordered by the CGRF.

6) In view of the foregoing paras I proceed to pass the following order: -

No. OMB/G/G-355/2019/D-1398

Dated: 27-11-2019

O R D E R

1. The Appeal/Complaint filed by the Appellant/Complainant is dismissed for non-prosecution and as not pressed for.

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

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- 3) The Assistant Executive Engineer (Elec),
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- 4) Chairperson, Consumer Grievance Redressal Forum (CGRF)
Kalaburgi District,
Superintending Engineer (Ele), O & M Circle, GESCOM,
Station Main Road,
Kalaburgi District.
- 5) PS to Hon’ble Chairman, KERC
- 6) PS to Hon’ble Member (M), KERC
- 7) PS to Hon’ble Member (R), KERC
- 8) PA to Secretary, KERC.
- 9) Chairperson of all CGRF’s in the State.