

**Before the Ombudsman,  
Karnataka Electricity Regulatory Commission  
Bangalore**

**Present: S.D.Ukkali  
Ombudsman**

**Case No.OMB/G/G-50/09 & No.OMB/G/G-65/09/7672  
Dated 21.01.2010**

M/s.Karanja Industries Private Limited,  
Akkamahadevi Colony,  
BIDAR.  
(Represented by Sri Shridhar Prabhu,  
Advocate)

..Complainant

**Vs**

Gulbarga Electricity Supply Company Ltd., (GESCOM)  
represented by its

1. Managing Director,  
GESCOM,  
Opposite Hotel Parivar, Main Road,  
**GULBARGA,**

2. Executive Engineer (Ele),  
O & M Division,  
GESCOM  
**BIDAR**

3. The Asst.Executive Engineer,  
O & M Sub Division,  
GESCOM,  
**BIDAR**

4. The Consumer Grievance Redressal Forum, (CGRF)  
GESCOM Corporate Office,  
Opposite Hotel Parivar, Main Road,  
**GULBARGA**

.. Respondents

These are two complaints pertaining to the same complainant arising out of the inspection and testing of the electrical installation bearing RR No.HKHT-5

belonging to the Complainant by HT meter testing staff of GESCOM, Gulbarga on 16.1.2004. They have been heard together and a combined award is passed herewith.

**I A.** One is an appeal complaint in case No.OMB/G/G-50/09 filed on 15.12.2008 by the above mentioned Complainant, represented by Sri Shridhar Prabhu, Advocate under the provisions of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 directed against the Order dated 19.11.2008 passed by the 4<sup>th</sup> Respondent in file No.CGRF/GLB/No.23532-36.

**I B. Another** is a Complaint filed by the same Complainant represented by the same advocate and another, Shri M.G.Prabhakar on the directions from the Appellate Authority, GESCOM, Gulbarga in its order dated 15.4.2009 in file No.GESCOM/MD/CEE(CP)EE(Commr)/2009-10/CYS-14.

**II A.** The brief facts of the case are as follows:

a) The High Tension (HT) electrical installation bearing RR No.HKHT-5 pertaining to the Complainant situated at Sindabandagi Village, Humnabad Taluk, Bidar District was rated by the HT Meter testing staff of GESCOM, Gulbarga on a periodical inspection on 16.1.2004 and "found the meter to be slow by 36.11165%" and inspection note No.437 dated 16.1.2004 was generated and signature of the representative of the consumer was taken for having rated and sealed the CT/PT chamber etc. in his presence. Subsequently, a provisional bill for Rs.30,53,542/- (Rupees Thirty lakh fifty three thousand and five hundred and forty two) only was claimed as back bill considering meter to be slow by **45% based on the second test conducted on 10.2.2004 by the Licensee HT Meter testing staff behind the back of the Complainant without his knowledge.**

b) Aggrieved by this claim, the Complainant approached the District Grievance Redressal Forum, Bidar, requesting the Forum to redress the grievance. The District Grievance Redressal Forum, Bidar, passed an order issuing direction to the Respondent

Licensee to consider the percentage of error as 36.11165% instead of 45% and levy the back billing charges without levying the interest on the back billing charges.

c) Not satisfied with this Order, upon filing a Writ Petition No.3566 of 2006 (GM-CON) by the Respondent Licensee, the Hon'ble High Court of Karnataka passed an Order dated 31<sup>st</sup> May 2006 setting aside the order of the District Grievance Redressal Forum, Bidar, directing the Complainant **"to deposit a sum of Rs.10,53,542/- (Rupees Ten Lakh Fifty Three Thousand Five Hundred and Forty Two) only being the principal amount of the back billing demand within four weeks from today. So far as interest is concerned, it is open for the Respondent Industry to make a detailed representation to the Petitioner Electricity Supply Company within two weeks from today. If such an application is filed by the Respondent, the Petitioners Electricity Supply Company is directed to receive the same and pass appropriate order in accordance with the KERC (Electricity Supply and Distribution) Code 2000-01 of the petitioners Electricity Supply Company and dispose of the same, after affording an opportunity to respondent, as expeditiously as possible within four weeks from the date of receipt of representation from the respondent industry."**

Thereupon, the 1<sup>st</sup> Respondent received an appeal dated 14.07.2006 under Section 127 of the Electricity Act, 2003 **instead of a representation as directed by the Hon'ble High Court of Karnataka. No action was taken by the 1<sup>st</sup> Respondent for a very long time.**

d) The Complainant filed a representation before this Authority on 28.04.2008 indicating that he had filed a complaint before the 4<sup>th</sup> Respondent on 18.1.2008. Even after expiry of statutory period of 60 days, it was alleged that no order was passed by the 4<sup>th</sup> Respondent. Upon receipt of the Complaint, the Secretary, KERC wrote to the 4<sup>th</sup> Respondent vide letter No.KERC/SEC/08/4326 dated 06.05.2008 to pass an Order. Even after writing this letter, the 4<sup>th</sup> Respondent did not pass any order.

e) The inaction by the 4<sup>th</sup> Respondent forced the Complainant to file a Writ Petition No.40058/2008 (GM-KEB) before the Hon'ble High Court of Karnataka and the Hon'ble High Court passed an order on 29.07.2008 duly making the following remarks:

"During the course of submission the learned counsel for petitioner, submitted that the instant writ petition may be dismissed as withdrawn, reserving the liberty to the petitioner to redress its grievance before the appropriate Legal Forum and all the contentions urged in the instant writ petition may be left open." The Hon'ble High Court passed the following order:

***"The submission made by the learned counsel for the petitioner, as stated supra, is placed on record. The writ petition filed by the petitioner is dismissed as withdrawn, reserving liberty to the petitioner to redress its grievance before the appropriate Legal Forum, if it is so advised or need arise. Ordered Accordingly."***

f) With this Order, the Complainant filed another complaint before this Authority urging this Authority to hear and pass an order in the light of the Hon'ble High Court's order to approach the appropriate Legal Forum and urged further that this Authority is the appropriate Legal Forum to redress its grievance. After receiving this appeal complaint, the 4<sup>th</sup> Respondent was reminded by a letter No.KERC/OMB/08/4897 dated 18.09.2008 asking not to keep the complaint pending and to pass an appropriate order under the law within 15 days from the date of receipt of the letter. Thereupon, the 4<sup>th</sup> Respondent started the process of hearing of this case and passed an order as follows:

***"After examining the whole issue, the Forum has come to the conclusion that it has no jurisdiction over the issue since the appeal of the complainant is pending before the Appellate authority i.e. GESCOM as per the direction of the Hon'ble High Court of Karnataka in their judgement dated:31.5.2006."***

***The Complainant, M/s. Karanja Industries Pvt.Ltd., situated at village Sindabandgi in Humnabad taluk Bidar district having administrative office at Akkamahadevi colony, Bidar shall approach the Appellate authority (GESCOM) for disposal of his appeal petition"***

g) Not satisfied with this Order, the Complainant filed an appeal complaint before this Authority on 15.12.2008 challenging the order. The Complaint filed was not in a complete manner. After obtaining Form B and other relevant details, parawise comments were sought Vide letter No.OMB/G/G-50/2009/5814 dated 03.04.2009 from the 1<sup>st</sup> Respondent. Thereupon, a letter dated 11.05.2009 from the Chief Engineer(Electricity) Corporate Planning, GESCOM, Gulbarga was received on behalf of the 1<sup>st</sup> Respondent furnishing a reply as follows

***"that the subject back billing of M/s.Karanja Industries Pvt.Ltd, Bidar, has been filed before the Hon'ble High Court of Karnataka vide WPNo.3566/2006. On 31-.5.2006, the Hon'ble High Court disposed of the case upholding the action taken by GESCOM and directed the complainant firm to pay the balance back billing charges of Rs.10,53,542/- (Rupees Ten lakh fifty three thousand five hundred and forty two) only within four weeks time since the subject matter was already settled in the High Court of Karnataka, GESCOM offers no comments in this regard."***

Since the above letter was signed by **Chief Engineer (Electricity), Corporate Planning, GESCOM**, the Managing Director was specifically asked to furnish parawise comments instead of his subordinate officers doing so. The 1<sup>st</sup> Respondent furnished his comments vide letter dated 25.05.2009 repeating the same comments that were furnished by his Chief Engineer.

Copies of these letters were provided to the Counsel for the Complainant seeking his remarks on the comments. In the meanwhile, the 1<sup>st</sup> Respondent nominated Shri Sriranga, Advocate, Just Law Associates, to plead the Respondent Licensee's case.

## **II B) Brief facts of the case are as follows:**

a) When the issue of back bill of Rs.30,53,542/- (Rupees Thirty lakh fifty three thousand and five hundred and forty two) only was being agitated by the Complainant, **an additional back billing charges of Rs.62,24,336/- (Rupees Sixty two lakh twenty four thousand and three hundred and thirty six) only were claimed, preferring the back billing charges from June 2002 to August 2003.** The matter was protested before the Licensee Authority. But there was no relief coming

forth. Aggrieved by the inaction and threat of disconnection, a petition was filed before the Hon.KERC in OP No.10 of 2007 arguing that the first 6 months' billing itself was challenged and paid under protest. The Respondent Licensee has failed to perform statutory duty by inspecting the meter on 16.1.2004, after 2 years and alleged that the meter was not recording slow. The Hon.KERC disposed off the petition with following remarks:

***"Normally appeal is to be filed with the Appellate Authority of the ESCOM. However, prima facie the Back Billing is for period of more than 6 Months which is illegal. We may forward these papers to Appellate Authority to hear the parties and dispose of the matter as per law. Since the period given for payment of the Back Billing on the notice is going to be over, it is necessary, in the ends of justice that Commission stays the notice and direct the Appellate Authority to pass fresh interim order on the very first day of hearing. The stay of the Commission will be effective till that date. The Appellate Authority can fix up the date of hearing with due notice to the parties concerned.***

***This order is passed in exercise of powers under Regulation 11 of KERC (G&C proceedings) Regulations, 2000."***

b) The Complainant filed an appeal before the Appellate Authority of GESCOM who heard the case in detail about the question of maintainability under Section 126 and 127 of Electricity Act 2003 and made the following remarks vide order No.GESCOM/MD/CEE(CP)/EE(Coml)/ 2009-10/CYS-14 dated 18.04.2009.

***" Under the above circumstances it is felt that this case is not proper to deal by the Appellate Authority as per Section 126 and 127 of the Electricity Act 2003 to redress the grievance and accordingly the case is disposed off directing the petitioner to approach the Ombudsman, KERC within 30 days from the date of this Order for redressal of their grievances. Until such time, the stay issued by the Hon'ble Commission on the final notice dated 30.03.2007 issued by the Respondent No.2 is continued."***

Thereupon, this Authority sought clarification from the Hon'ble KERC and it was clarified that this Authority can dispose of the matter as per law and on merits. In

terms of clarification given by the Hon'ble KERC, it was decided to hear this case also as **Case B** along with the already pending **Case A**.

### **III. PRAYER**

#### **Case A:**

1. Set aside the impugned demand Notice dated 12.05.2004.
2. Direct the Licensee to adjust the amounts already paid under the impugned demand Notice dated 12.05.2004 to the future bills of the Complainant along with 1.5% monthly interest rate calculated from the respective dates of payment till the respective dates of adjustment.
3. Grant cost of the entire proceedings and pass such order and orders so as to meet the ends of justice and equity.

#### **Case B:**

1. Decline the adjudication in the matter on merits in the decision made by the First Respondent in OP 10 of 2007 dated 18.4.2009

#### **Alternatively**

2. Uphold the order of the first respondent in so far as the Back Billing charges raised are held to be in non-conformity with section 126 and 127 of Electricity Act, 2003.
3. Set aside the portion of the order wherein the first respondent has limited the operation of the stay granted by the KERC up to the date for a period of 30 days Viz., the time granted by the first respondent to the complaint to approach.

4. Pass any other order/s to meet the ends of justice.

#### **V. Maintainability:**

In terms of the Regulation 21.2 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, the Complainant has to make a representation before the Ombudsman within 30 days from the date of receipt of the order of the Forum provided that the Ombudsman may entertain a representation after the expiry of the said period of 30 days if he is satisfied that there was sufficient cause for not filing within the said period. But as per the Form B prescribed for registering the complaint, it is noted that the prescribed time limit is said to be one year as per provisions of 11.3(a) and (b) of the Ombudsman Regulations. But 11.3(a) and (b) do not exist in the Regulations.

**i) Case A:** In the first place, the 4<sup>th</sup> Respondent failed to pass order within the reasonable time limit. The Complainant filed the Complaint on 18.1.2008, but the order was passed only on 19.11.2008 after lapse of 10 months. The Complainant filed this appeal complaint on 15.12.2008, well within the time limit and hence maintainable.

**ii) Case B:** This is a complaint filed on 20.5.2009 by the Complainant on the direction issued by the Appellate Authority of GESCOM, Gulbarga and in terms of the clarification from the Hon'ble KERC indicated above at para IIB(c) This complaint is maintainable.

#### **VI. Settlement by Agreement.**

An opportunity by way of this office letter dated 17.09.2009 was extended to both the parties to explore the possibility of settlement by conciliation and agreement. Since no accord was possible and no communication to this effect was received from both the parties, it was decided to hear the parties and pass an award. Hearings were conducted on 5.3.2009, 19.11.2009 and 24.11.2009. During the hearings also, efforts were made again to reach settlement in both the cases but it was not possible.



## **VII. Analysis and Findings**

### **A. Case A:**

This Authority proceeds to discuss Case A.

In response to the notice issued, both the parties have appeared and made submissions. The Learned Counsel for the Complainant, Sri Shridhar Prabhu, has made out the following points mentioned briefly here below:

1. The Respondent Licensee has indicated the slow recording first as 36.11165% and later raised it to 45%. It, itself, has raised the dispute and hence should have referred the matter to a 3<sup>rd</sup> Party.
2. The Respondent Licensee while deposing before the Hon. High Court has not brought to the notice of the Hon. High Court about the formation of the Consumer Grievance Redressal Forum.
3. The Hon. High Court in Writ Petition No.3566 of 2006 has employed the word of representation before the Licensee and not before the Appellate Authority and the words employed in WP No.40058 of 2008 are (a) Forum (b) Redressal (c) Grievance.
4. Contrary to this, the Licensee asked the Complainant to file an appeal before the GESCO under Section 127 of the Electricity Act.
5. It is alleged that the Complainant was not called for by the 4<sup>th</sup> Respondent for the hearing.
6. Parawise replies were not furnished which amounts to natural justice being denied to the Complainant.

7. The 4<sup>th</sup> Respondent passed an order without the presence of the 3<sup>rd</sup> Member. The Order was passed by the two Members both belonging to the Licensee only.
8. There is no mention as to who were present during the proceedings.
9. While passing the order, the 4<sup>th</sup> Respondent has quoted the direction of the Hon. High Court in their judgement dated 31.5.2006 and proceeds to state that an appeal was pending before the GESCOM. But the hon. High Court has not directed the Complainant to appeal before the Appellate Authority of GESCOM. It has merely stated to make a representation.
10. On aforesaid reasons, he stressed to grant the prayer made at para IIIA.

**VIII.** The contentions of the learned Counsel, Sri S.Sriranga, appearing for the Respondent Licensee are that:

- 1) The present proceedings are not maintainable.
- 2) Having regard to the orders passed by the Hon. High Court of Karnataka in WP No.3566 of 2006, the present proceedings are barred by the provisions of Res Judicata as contemplated in Section 11 of CPC.
- 3) As per directions of Hon.High Court of Karnataka, the Complainant sought the waiver of interest before the 1<sup>st</sup> Respondent. The request has not been granted. These aspects have not been brought to the notice of the Hon. High Court of Karnataka while filing Writ Petition in WP No.40058 of 2008.
- 4) At any rate, the said petition has been withdrawn reserving the liberty to approach the appropriate Forum for redressing his grievance.

- 5) It is submitted that the said order does not take away the earlier order passed by the Hon. High Court which attained finality and is binding on all the concerned including this Authority.
- 6) He placed reliance on the judgement of Hon. Supreme Court in the matter of Bombay Fibre Industries Vs. CCE reported in (1998) 9 SC 712. In the light of the said legal position, **the Complainant is precluded from indulging in Forum Shopping and re-agitating the same issue which has attained finality.**
- 7) Having not challenged the findings recorded therein, it is not permissible for the Complainant to assail the said order in collateral proceedings before a Forum which is subject to a supervisory jurisdiction of the Hon. High Court of Karnataka under Article 227 of the Constitution.
- 8) He has also quoted the judgement of the Hon. Supreme Court in the matter of State of Karnataka Vs ALL India Manufacturers Organisation and others reported in (2006) 4 SCC 683. The party is precluded from re-agitating an issue which is subject matter of earlier adjudication which attained finality.
- 9) It was submitted that seen from any angle the present Complaint before this Authority has to fail and the petition be rejected.

**IX)** On a perusal of the submission by both the parties and the orders passed by the 4<sup>th</sup> Respondent, it is observed that:

- 1) The matter has been dealt by the Hon. High Court in two Writ Petitions WP 3566 of 2006 and W.P. No.40058 of 2008.
- 2) The Complainant has filed complaint, as per the order in Writ Petition No.40058 of 2008 reserving his liberty to approach appropriate Forum for redressal of his grievance.

3) The Hon. High Court in W.P.No.3566 of 2006, has never directed the Complainant to file an appeal before the Respondent Licensee but has directed to make a detailed representation to the Respondent Company.

4) The Licensee GESCO has erred in accepting the appeal under Section 127 of the Electricity Act 2003, instead of a representation.

5) It is alleged by the Counsel for the Complainant at VII (a) 5, 6, 7 & 8 that no opportunity was given to him for hearing, no notice was issued etc. by the 4<sup>th</sup> Respondent

6) It is also alleged that the 4<sup>th</sup> Respondent has erred by citing lack of jurisdiction.

**X) Findings:**

1) This is a case of meter slow recording and, hence, does not attract the provisions of Section 126 and 127 of the Electricity Act, 2003.

2) The 4<sup>th</sup> Respondent has erred in not understanding the legal position and simply came to the wrong conclusion that it has no jurisdiction.

3) In another related case which is quoted here as case "B" dealt herewith, the 1<sup>st</sup> Respondent as an Appellate Authority has passed an order mentioned at para II (B) (C) wherein he has held that it was not proper to deal by the Appellate Authority as per Section 126 and 127 of the Electricity Act 2003 and directed the Complainant to approach the Ombudsman which means that these two cases A & B were to be dealt as per the KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004.

4) It is clear that the 4<sup>th</sup> Respondent has the jurisdiction to redress the grievance of the Complainant. **This Authority concludes that the matter needs to be re-heard and decided by the 4<sup>th</sup> Respondent.**

## **XI. Case B:**

This Authority proceeds to discuss the **case B** as under:

1. As discussed in earlier paras, these proceedings have arisen out of Order passed by the 1<sup>st</sup> Respondent vide his order No.GESCOM/MD/CEE(CP)/EE(ComI)/2009-10/CYS-14 dated 18.04.2009 wherein he directed the Complainant to approach the Ombudsman. On reference, the Hon.Commission is of the view that the matter could be disposed off by this Authority in accordance with the law.
2. In response to the notice issued by this Authority, both the parties have appeared and made submissions. Sri Shridhar Prabhu and Shri M.G.Prabhakar, the authorized Representatives of the Complainant have deposed jointly and were of the opinion that the present proceeding before this Authority was governed by the Regulations framed by the Hon. KERC.
3. Shri M.G.Prabhakar made the following submissions.
  - a. He states that the matter falls under the purview of Code 27.03 of the provisions of KERC (Electricity Supply and Distribution) Code 2000-01 and he pointed out the following discrepancies in preparation of the inspection report.
    - (i) Mahazar was not drawn at the time of inspection as required under Regulation 27.03.
    - (ii) Commitment from the Consumer to pay the liability of back billing charges was not taken. The quantum of back billing if any was also not made known to the Complainant.

- (iii) Any back billing arising out of this inspection should have been done having regard to conditions of occupancy and purposes for which electricity is being used.
- (iv) Check meter as contemplated in the Regulation was not fixed for the period starting from the date of inspection and date of replacement of energy meter.
- (v) Re-inspection and revising the slow recording from 36.11165% to 45% resulting in back billing for 6 months was done behind the back of Consumer without any intimation to him.
- (vi) Additional back billing for further period i.e. from June 2002 to August 2003 was done against the provisions of law.
- (vii) He further states that there was in fact no slow recording of the meter. In support of this, he submitted a graph indicating power consumed and production of the complainant industry from January 2002 to May 2007.

Following issues were raised by him for consideration:

- (i) Whether GESCOM inspection report was in accordance with regulation 27.03 of KERC (ES&D) Code 2000-01?
- (ii) Whether the present case attracts the provisions of Section 126 and Section 127 of Electricity Act 2003?
- (iii) Whether the back billing period in excess of Statutory limit of 6 months is sustainable in law?

5. Per Contra, Sri S.Sriranga, Learned Counsel appearing for the Respondent Licensee argues as under:

- (i) It is submitted that this Authority has been constituted and functioning under KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004.
- (ii) The Said Regulations provides for a 2-tier mechanism for redressing consumer grievances.**
- (iii) It provides that this Authority can receive representations against the order of the Forum and consider such representation and facilitate their satisfaction or settlement by agreement through conciliation and mediation between parties or by passing an award.**
- (iv) A complaint before this Authority has to be filed in Form B. A perusal of the format also makes it clear that the nature of proceedings before this Authority is almost akin to an appeal against the order passed by the Forum.**
- (v) In the present case, a complaint has been filed in Form B specifically referring to Regulation 21.3 of Regulations mentioned supra. It is to be noted that the Complainant herein has not called in to question the validity or otherwise of any order passed by the Forum.
- (vi) The Appellate Authority is constituted in pursuance of Section 127 of the Electricity Act 2003. Section 127(4) specifies that the order of the Appellate Authority shall be final. Therefore, the question of challenging an order of the Appellate Authority by this Hon. Authority in the present form does not arise.
- (vii) The Complainant has today provided statement with regard to merits of the case.

- (viii) It is submitted that in the facts and circumstances the question of considering the merits and de-merits of the demand made does not arise as there is no adjudication of the dispute by the Forum as required.
- (ix) It is submitted that the demand for back billing is for slow recording of meter and the Complainant has signed the proceedings when the meter has been calibrated and has accepted slow recording. Having regard to this, it is submitted that the action of the Licensee in demanding back billing is fully justified. The question of interfering in the matter at the behest of the Complainant does not arise. The complaint may therefore be rejected.

**XII)** On a perusal of the submissions by both the parties, it is observed that:

1. Both the parties agree that the proceedings before this Authority are governed by the Regulations framed by the Hon'ble KERC i.e. the KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004.
2. The learned Counsel, Sri Shridhar Prabhu for the Complainant in his prayer has prayed to decline the adjudication in the matter on merits in the decision made by the First Respondent on 18.4.2009.
3. Sri S.Sriranga, the learned Counsel for the Respondent Licensee has brought a lot of legal issues.
  - a) The above mentioned Regulations provide for a 2-tier mechanism for redressing the consumer grievances.
  - b) The Complainant has filed the complaint in Form B, specifically referring to Regulation 21.3. He has not called in question the validity of order passed by the Forum.



- c) This Authority cannot question the validity of the order passed by the Appellate Authority constituted under Section 127 of the Electricity Act, 2003.

**XIII) Findings:**

From the above arguments, it is clear that the:

1. This is a case of meter slow recording and, hence, does not attract the provisions of Section 126 and 127 of the Electricity Act, 2003.
2. Complainant has to first approach the 4<sup>th</sup> Respondent and then challenge the order of that Forum before this Authority. There is no such order from the 4<sup>th</sup> Respondent.
3. The Appellate Authority which passed an order mentioned above at para B (1) has no such authority to direct the Complainant to approach the Ombudsman directly instead of the 4<sup>th</sup> Respondent.
4. The Hon'ble KERC was of the view that the matter be disposed off by this Authority in accordance with law.
5. The Complainant first has to approach the 4<sup>th</sup> Respondent for redressal of his grievance.

Having regard to the aforesaid discussion and findings, in terms of Regulation 22.4 and 22.5 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004, this Authority without going into the merits of these two cases passes the following order:

## **XIV)**

## **ORDER**

### **Case A**

1. The impugned order passed by the 4<sup>th</sup> Respondent is set aside.
2. The case stands remanded back to the 4<sup>th</sup> Respondent with directions to hear both the parties again considering fresh submissions, if any, apart from the existing submissions and pass appropriate order in accordance with law within 60 days from the date of receipt of this Order.

### **Case B**

1. The file is forwarded with directions to 4<sup>th</sup> Respondent to admit the case as a complaint under Regulations 6 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004 and hear along with **Case A** and dispose off them by passing a combined appropriate order as per law after affording opportunity to both the parties within 60 days from the date of receipt of this Order.
2. During the course of hearing, the Complainant is directed to lodge a formal complaint in Form A in terms of Regulation 6.2 of the KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004
3. Until such time the case is disposed off by the 4<sup>th</sup> Respondent, this electrical installation shall not be disconnected on this account.

(S.D.Ukkali)  
Ombudsman

To:

1. Karanja Industries Private Limited, Akkamahadevi Colony, Bidar .
2. The Consumer Grievance Redressal Forum, GESCOM Corporate Office, Opposite Hotel Parivar, Main Road, Gulbarga

3. The Executive Engineer (Ele), O & M Division, GESCOM, Bidar.
- 4 The Asst.Executive Engineer, O & M Sub Division, GESCOM, Bidar.
5. The Managing Director, GESCOM, Opposite Hotel Parivar, Main Road, Gulbarga.
6. PS to Hon.Chairman, KERC
7. PS to Hon.Member(H), KERC
8. PS to Hon.Member(S), KERC
9. PS to Secretary, KERC
10. Director(Tariff)
11. Deputy Director(Legal)
- 11, OCA

