

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

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

**Case No.OMB/B/G-76/10/8450  
Dated 21.06.2010**

Sri Subramanya T.G.,  
Thalamakki,  
Kudregundi Post,  
Koppa Taluk,  
Chickmagalur District  
(Represented by Sri K.Subramanya )

..

**Complainant**

**Vs**

1. Mangalore Electricity Supply Company Ltd., (MESCOM)  
represented by its  
Assistant Executive Engineer (Ele),  
O & M Sub Division,  
MESCOM,  
Koppa,  
Chickmagalore District

2. The Consumer Grievance Redressal Forum, (CGRF)  
MESCOM Corporate Office,  
Paradigm Plaza, A.B.Shetty Circle,  
**MANGALORE**

..

**Respondents**

**I.** This is a representation filed by the above named Complainant under the provisions of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 against the Order dated 04.11.2009 passed by the 2<sup>ND</sup> Respondent in file No. <sup>a</sup> ~~AA~~ <sub>PIA/UA</sub> ~~PIA~~.P/E. <sup>a</sup> ~~A~~/13/09-10.

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

1. The Complainant has availed electricity connection with 10 HP load during 1993 and he is utilising this power for irrigation purpose and making the payments regularly.
2. During October 2008, the Complainant received the bill amounting to Rs.14,031/- (Rupees Fourteen Thousand and Thirty One). An objection was filed by the Complainant vide letter dated 10.5.2009 to the AEE, Koppa, MESCOM.
3. There was an item where an amount of Rs.10,600/- (Rupees Ten Thousand Six Hundred) was shown as arrears for the month of October 2008. This is an amount paid during the period from 1.4.2001 to 31.3.2003 against the electricity bill. This amount was adjusted in the future bills from 1.4.2003 onwards based on the directions from the KERC vide letter No.B/06/5/668 dated 26.4.2006 and the Government order No.EN 178 PSR 2006 dated 2.2.2007.
4. Though the amount was adjusted on the directions of the KERC, the amount was claimed again due to decision of Government in its order No. EN 86 PSR 2007 dated 19.2.2008 to withdraw the directions given by it in order No.EN 178 PSR 2006 dated 2.2.2007. The AEE, Koppa Sub Division had, hence, included this arrears in the month of October 2008.
5. A Complaint was filed before the 2<sup>nd</sup> Respondent, who, after conducting the hearing, passed an order dated 4.11.2009 rejecting the request of the Complainant.

Aggrieved by this Order, the complainant has filed this Appeal Petition on 19.1.2010 praying for the following :

## **III.**

### **PRAYER**

1. To set aside the order dated 04.11.2009 passed by the 2<sup>ND</sup> Respondent in file No.  $\text{A} \ll \text{P} \text{A} / \text{U} \text{A} \text{P} \text{A} . \text{P} \text{E} . \text{a} \text{A} / 13 / 09 - 10$ .

2. To direct the 1<sup>st</sup> Respondent to withdraw the demand of Rs.10,600/-received in the bill for the month of October 2008 permanently from the ledger account of the Complainant.

#### **IV. Settlement By Agreement**

Both the parties were informed to explore the possibilities of settlement by conciliation and mediation by this office letter No.OMB/M/G-76/2010/7830 dated 18.02.2010. The 1<sup>st</sup> Respondent, Ashok and Sri K.Subramanya, authorized representative for the Complainant appeared and they were heard on 08.04.2010 and 21.06.2010. During the hearings also, efforts were made to reach an agreement by conciliation and mediation. However, no accord could be reached and, therefore, it was decided to pass an award after hearing.

#### **V. Discussion and Analysis**

##### **A. The 1<sup>st</sup> Respondent contends as under:**

- 1) The Complainant has an electrical connection bearing RR No.IP 767 in the jurisdiction of Koppa sub division. Based on the letter No.MESCOM/FA/DCA/AO/ CYS-29 dated 28.2.2007, it was conveyed that the amount paid by the IP set consumer from 1.4.2001 to 31.3.2003 should be waived off. Hence, in the instant case, the amount paid by the consumer of the above RR No. amounting to Rs.10,600/- has been adjusted in the month of March 2007. Hence, the closing balance at the end of March 2007 for the above RR number is Rs.-5590.

- 2) Later, based on the letter No.MESCOM/FA/DCA/AO/386-407 dated 26.9.2008, it was informed by the FA MESCOM, Mangalore that the earlier decision conveyed through the letter referred to above to adjust the payments against the IP set consumers prior to 31.3.2003 has not been accepted by the Government and hence, the earlier decision conveyed is hereby revoked. In the same letter, it has been informed by the FA that the

balance amount adjusted has to be re-demanded in the ledger account against the IP set consumers.

3) In the copy of the above letter of the FA, the Executive Engineer(ELE), MESCOM Chickmagalore Division, has directed that the balance amount should be re-demanded and the same should be reflected in the October 2008 DCB.

4) In compliance to the above directions, a re-demand was raised against the RR No.IP 767 for Rs.10,600/- in the DCB of October 2008.

5) Aggrieved by this, the consumer has filed a petition before the 2<sup>nd</sup> Respondent requesting for withdrawal of the demand raised against the installation for Rs.10,600/-. The 2<sup>nd</sup> Respondent, after hearing the concerned parties, has rejected the request made by the consumer and has upheld the decision to raise the demand.

6) It is hereby brought to the kind notice of this authority that the demand raised by the sub division and also the decision taken by the 2<sup>nd</sup> Respondent are in order. It is submitted that it may not be possible to have any conciliation with the Complainant through mediation and negotiation without the consent of the higher ups,

Therefore, it is prayed that the request of the Complainant be rejected.

**B. Per contra, the Authorised Representative of the Complainant argues as under:**

1) There is no proper interpretation of the Government Order No.EN 44 PSR 2004 dated 21.4.2004 issued during 2004 waiving off the IP sets dues upto 31.3.2003. This waiver by the Government was applicable to all the IP sets irrespective of the class/category.

2) In the Government Order issued during 2004, due to the distress the dues of the farmers were waived off fully as an one time measure. The intention of Government was very clear in issuing GO dated 21.2.2004 that all dues to be waived fully and to be brought to zero as on 1.4.2003. The GO also directs the ESCOMs to issue revised bills to the IP set consumers in the State. **The interpretation of this has not been made properly by MESCOM. whereas the other ESCOMs have properly interpreted and adjusted all the dues upto 31.3.2003.**

3) All the ESCOMs were directed in the Tariff Order of 2005 and also in the letter issued by KERC No.B/06/5/668 dated 26.4.2006 to adjust the amount paid. **The other Companies have already adjusted but MESCOM has said that it has referred the matter to the Government of Karnataka.**

**4) After the directions issued by the Government of Karnataka vide No.EN 178 PSR 2006 dated 2.2.2007, MESCOM also adjusted the dues.**

5) The 2<sup>nd</sup> Respondent has not applied its mind and ignored the facts and the details of the case and in their findings at item 5 they have given the reason that free power supply as per the order coming into force from August 2008 was applicable only to LT 4(a)1 and LT 4(a)2 and not to this IP set which comes under LT 4(c). This finding is not correct. This Authority be pleased to grant the prayer made at Para III above.

## **VII. Findings**

1. The Hon'ble KERC issued directions as contended by the 1<sup>st</sup> Respondent at para V B(3) above.
2. All ESCOMs complied with the direction of the Hon'ble KERC.
3. The Respondent Licensee strangely referred the matter to GOK and the Government has accorded approval for adjustment of the amount paid during 1.4.2001 to 31.3.2003 (which was waived off) against the future bills.

4. This was carried out by the Respondent Licensee, but again, due to revoking of the earlier approval by GOK, the 1<sup>st</sup> Respondent was directed by his superior officer to re-demand the amount. Accordingly, the 1<sup>st</sup> Respondent has re-demanded the amount of Rs.10,600/- from the complainant.
5. The 2<sup>nd</sup> Respondent has erred in holding that this waiver was not for IP category LT-4(c) and its order needs to be set aside.
6. It is held that the directions issued by the Hon'ble KERC in Tariff Order 2005 followed up by a letter No.KERC/B/06/5/668 dated 26.4.2006 shall prevail.

Having regard to the facts and the above findings by this Authority, the following order is passed:

## **VII.**

## **ORDER**

1. Order passed by the 2<sup>nd</sup> Respondent in its file No. ~~KA/PA/UA/PA.P/E.α.ā/13/09-~~10. dated 4.11.2009 is set aside.
2. The 1<sup>st</sup> Respondent is directed to withdraw the demand of Rs.10,600/- from the bill of October 2008 permanently from the ledger account of the Complainant.

(S.D.Ukkali)  
Ombudsman

1. Sri Subramanya T.G., Thalamakki, Kudregundi Post, Koppa Taluk, Chickmagalore District.
2. Consumer Grievance Redressal Forum, MESCOM, Paradigm Plaza, A.B.Shetty circle, Mangalore
3. The Asst. Executive Engineer, O & M Sub Division, MESCOM, Koppa, Chickmagalore District

4. The Managing Director, MESCOM, Paradigm Plaza, A.B.Shetty Circle, Mangalore.

5. PS to Hon.Chairman, KERC

6. PS to Hon.Member(H), KERC

7. PS to Hon.Member(S), KERC

8. PS to Secretary, KERC

9. Director (Tariff)

10. Deputy Director (Legal)

11, OCA













