

D-820

BEFORE THE ELECTRICITY OMBUDSMAN

9/2, 6th Floor, Mahalakshmi Chambers, M.G Road, Bangalore – 560 001

**Present: B.N.Krishnaiah
Electricity Ombudsman**

Case No.OMB/C/G-272/2016

Dated : 12.01.2017

Sri Sharada Educational Trust (R),
271, T.P.Kailasam Road,
R.T.Nagar, Dattagalli 3rd Stage,
Ramakrishna Nagar post,
Mysuru – 570 022

... Appellant

(By Sri B.V.Venkata Ramu, Authorised Representative)

V/S

1. The Assistant Executive Engineer(EI),
O&M, Sub-Division,
Chamundeshwari Electricity Supply Corporation,
Hootagalli sub-division, Belavadi Post,
Mysuru

(Party in person)

2. The Chairperson
CGRF & Superintending Engineer,
Chamundeshwari Electricity Supply Corporation
Jodi Basaveshwara Road,
Kuvempu Nagar, Mysuru

... Respondents

1. This is an appeal under clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by CGRF, CESC, Mysuru (herein after referred to as the 2nd Respondent) dated 24.09.2016.
2. Comments were called vide letter dated 20.10.2016 from the respondent AEE and he has submitted the reply vide letter dated 03.11.2016.
3. Both the appellants and the 1st respondent were informed vide letter dated 06.12.2016 regarding availability of sub-section 20(1) of KERC (CGRF & Ombudsman) Regulations, 2004, which both the parties have not availed. Hence, this Authority proceeds to pass orders on merits of the case.
4. During the hearing of the case on 16.12.2016, the AEE was asked to furnish copy of the order passed by the Hon'ble High Court of Karnataka in W.P.17225 of 2007 in Bangalore Electricity Supply Company Ltd., - vs – M/s.Ghousia College of Engineering. The AEE has furnished copy of the same to the appellant by his letter dated 23.12.2016, copy of which is also marked to this Authority.
5. The appellant in his representation to the Authority has stated that the appellant Trust was sanctioned power supply of 5 KW on 23.01.2007 and subsequently sanctioned additional 5 KW of power in 2011 and also requested for additional power supply in 2016. During this period the disturbance came to be noticed and the CESC has raised the bill for Rs.88,303-00 being the difference amount.
6. The AEE in his reply has submitted that the appellant was sanctioned power on 23.01.2008 under category LT-2(b), but in the computer, by mistake, it is entered as LT-2(a). This was noticed in 2016 and hence, the bill for

Rs.88,303-00 has been raised. This bill is only a short claim and the bill is raised exercising powers under Clause 29.08 of Conditions of Supply of Distribution Licensees in the State of Karnataka.

7. During the arguments, authorised representative for the appellant submitted that whatever bills are raised by the CESC, are paid promptly and for the mistake committed by the Authorities the appellant cannot be called upon to pay the difference amount.

8. The respondent AEE submitted that proceedings are initiated under clause 29.08 of Conditions of Supply of Distribution Licensees in the State of Karnataka and further argued that the action taken is in conformity with the order of the Hon'ble High Court of Karnataka in W.P.17225/2007 in which the Hon'ble High Court had upheld the proceedings of BESCO in a similar case filed against BESCO by Ghousia College of Engineering, Ramanagar.

9. However, after arguments, the appellant requested for permission to pay the dues in instalments.

10. Considered the oral and written arguments of both the parties. The Appellant has agreed to pay the dues in instalments. The matter is remanded back to the AEE to examine the request of the appellant for payment in instalments and pass suitable orders as per law.

Sd/-
(B.N. Krishnaiah)
Electricity Ombudsman

To :

1. Sri B.V.Venkataramu, J.V.Electricals, No.905/3, 4th Main, 1st Cross, V.R.Puram, Mysuru – 570 008.
2. The Assistant Executive Engineer(EI), O&M, Sub-Division, Chamundeshwari Electricity Supply Corporation, Hootagalli sub-division, Belavadi Post, Mysuru
3. The Chairperson CGRF & Superintending Engineer, Chamundeshwari Electricity Supply Corporation, Jodi Basaveshwara Road, Kuvempu Nagar, Mysuru
4. Managing Directors of ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member (A), KERC
7. PS to Hon. Member (M), KERC
8. PS to Secretary, KERC
