

D-821

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-274/2016

Dated : 12.01.2017

V.Kamala,
Propx. M/s. Kamala Industries,
C-147, Industrial Estate,
Yadavagiri,
Mysuru – 570 020

... Appellant

(By Sri B.B.Deepak, Authorised Representative)

V/S

1. The Assistant Executive Engineer(EI),
O&M, Sub-Division,
Chamundeshwari Electricity Supply Corporation,
V.V.Mohalla, 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 filed against the orders passed by Appellate Authority dated 31.08.2016.
2. Comments were called 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. A perusal of the papers indicate during the joint inspection of the premises headed by AEE, along with the staff of M.T.Reading Division and vigilance staff it is said that they have noticed that the installation of the petitioner was connected with 35 HP + 360 watts and supply of power unauthorisedly by the petitioner to the neighbouring sheds. The petitioner was also asked to take action to regularise the unauthorised supply of electricity under Clause 42.05 of the Conditions of Supply of Electricity by Distribution Licensees in the State of Karnataka.
5. Based on the report of L.T. rating division and the vigilance the AEE raised a bill for Rs.1,37,083-00 on 18.12.2008. To this notice the appellant has filed the objection on 16.12.2009 and stated that the appellant has not committed any theft of electricity or unauthorised use of electricity. The AEE confirmed the demand of Rs.1,37,083-00. Aggrieved by this he has approached the Hon'ble High Court of Karnataka in the writ petition, and the Hon'ble High Court has remanded the matter to the AEE. Accordingly, the AEE has passed a revised order revising the demand from Rs.1,37,083-00 to Rs.98,478-00 by his order dated 30.06.2010. This was again challenged by the appellant before the Hon'ble High Court in W.P.23118/2010. The Hon'ble High Court has considered the case and disposed of the same directing the

appellant to approach the Appellate Authority by depositing 50% of the amount (50% of Rs.98,478-00). The appellant has deposited 50% of the amount and approached the Appellate Authority. The Appellate Authority by its order dated 31.08.2016 has dismissed the appeal.

6. The submissions made by both the parties and other records are perused. This is a case dealt under Section 126 and 127 of the Electricity Act, 2003. This Authority has no jurisdiction to entertain the appeal filed against the orders passed by the Appellate Authority. The Appellant may have to seek relief from the appropriate competent authority. Accordingly the matter is disposed off. The interim stay order granted by this Authority on 03.11.2016 stands withdrawn.

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

To :

1. Sri B.B.Deepak, Kamala Industries, C-147, Industrial Estate, Yadavagiri, Mysuru – 570 020
2. The Assistant Executive Engineer(EI), O&M, Sub-Division, Chamundeshwari Electricity Supply Corporation, V.V.Mohalla, 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
