

**BEFORE THE ELECTRICITY OMBUDSMAN**

No.16 C-1, Miller Tank Bed Area (Behind Jain Hospital)  
Vasanthanagar, Bengaluru-560052.

Present: **B.V. Patil,**  
**Prl. District Judge (Retd)**  
**Electricity Ombudsman,**  
**Case No. OMB/H/G-421/2021**  
**Dated 20/04/2021**

In the matter of

Sri Veerabhadhrayya Basayya Matta,  
Survey No. 151/1A,  
Ramathala Village, Hunugund,  
Bagalkot.

**Represented by:**

Sri Ranganatha M Padamukhe,  
No. 6-C, Sector No. 10,  
Navanagar,  
Bagalkot – 587103.

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Vs

Appellant

- 1) The Assistant Executive Engineer (Elec.),  
O & M Sub-division, HESCOM,  
Hunugund,  
Bagalkot.

**Represented by:**

H.V. Devaraju, B.A., LL.B.,  
Advocate,  
No. 39, Shop No. 24, Mezzaine Floor,  
A.S.V.N.V. Bhavan, K.G. Road,  
Bengaluru – 560009.

- 2) Chairperson, Consumer Grievance Redressal Forum (CGRF)  
Bagalkot District,  
Superintending Engineer (Ele),  
O & M Circle, HESCOM,  
Navanagar,  
Bagalkot– 587102.

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Respondents

- 1) This Appeal/Representation preferred before this authority by Sri Veerabhadhrayya Basayya Matta, Bagalkot District questioning the legality of the order passed by the Consumer Grievance Redressal Forum Bagalkot (herein after referred as CGRF), bearing order No. ಬಿಜಿಕೆ/ಅಇಂ(ಖ)/ಉಲೆನಿ/ಸಲೆ/ಹಿಸ-1/2020-21/12071-12076, dated 03.11.2020 under the provisions of Clause 21.2 of KERC Regulations 2004. The Appellant/Complainant submitted their appeal memo on 01.03.2021 after communication of the order passed by the CGRF. The CGRF passed an order on 03.11.2020, the appeal was registered in this office on 02.03.2021. After receipt of the final order, the Appellant filed this appeal, hence the appeal is on time.
- 2) The brief facts of the case are that the Appellant Sri Veerabhadhrayya Basayya Matt filed an application before the AEE (Ele.) HESCOM, Navanagar, Bagalkot contending that in the year 2005 power sanction was accorded to his pump set under RR No. RMTIP 25615 under Akrama Sakrama Scheme. On 25.10.2018 the Respondent No. 1 erected six electrical poles instead of erecting nine electrical poles as per the estimate. The distance between the last electrical pole and borewell is about 150 meters and completed the electrification work. However the Respondent No. 1 did not

erected two more electrical poles up to his borewell and completed the electrification work. The Appellant got electrical connection to his borewell by putting 150 meter length wire, the borewell is not properly working due to the low voltage, therefore he requested the Respondent No. 1 to erect necessary electrical poles and transformer. As the Respondent No. 1 did not taken any action on his request, he filed the complaint before the CGRF Bagalkot claiming Rs. 5,00,000/- as a compensation for loss of crop and also Rs. 50/- penalty per day under Section 43 of Electricity Act 2003 for deficiency of service. CGRF Bagalkot after hearing the parties dismissed the complaint.

- 3) The Appellant questioning the legality of the order passed by the CGRF filed the present appeal contending that;
  - a) The order passed by the CGRF, Bagalkot is illegal and incorrect, the same is an outcome of non-application of mind.
  - b) The CGRF has failed to take into consideration that the power sanction order for the pump set of the Appellant was passed in the year 2005, the Respondent No. 1 erected six electrical poles and completed the electrification work in the year 2018, though the estimate was prepared for erection of 9 electrical poles.

- c) The CGRF has failed to take into consideration that the Respondent No. 1 has failed to erect the electrical poles and complete the electrification work up to the borewell of the Appellant, the Respondent No. 1 is liable to erect two more poles and complete the electrification work. The CGRF Bagalkot without examining these aspects of the matter erred in dismissing the complaint, prayed for allowing the appeal.
- 4) After registering the appeal, notice was issued to both the parties which was duly served. It was informed to both the parties through letter dated 02.03.2021 of this office in respect of the availability of Sub-Regulation 1 of Regulation 20 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulation 2004, for settlement through Conciliation and Mediation, to appear before this authority on 25.03.2021, parties did not availed the benefit of the said provision, the matter was not settled either through mediation or conciliation. Accordingly, the case was taken up for hearing.
- 5) On 25.03.2021 the Representative for the Appellant present. Sri H.V. Devaraj Advocate filed Vakalth for Respondent No. 1, list with documents filed. The Representative of the Appellant filed his

written arguments along with xerox copy of the technical feasible report.

- 6) Heard the arguments.
- 7) On the above contentions the point that arise for consideration of this authority is;

- a. Whether the order bearing No. ಬಿಜಿಕೆ/ಅಇಂ(ಬಿ)/ಉಲೆನಿ/ಸಲೆ/ಹಿಸ-1/2020-21/12071-12076, dated 03-11-2020 passed by the CGRF Bagalkot District, rejecting the complaint of the Appellant is illegal, perverse, liable to be interfered by this authority?

- 8) My answers to the above point is in the;
  - a. Negative.

For the following,

### **REASONS**

- 9) I perused the appeal memo, the records produced by both parties including the order passed by the CGRF Bagalkot District.
- 10) It is not in dispute that the Appellant dug a borewell in the year 2005, power connection given to the Appellant under Akrama Sakrama Scheme, who irrigated his land through the borewell. In the year 2005, a technical feasible report was prepared, wherein it was proposed for installation of 100 KVA TC replacing the 63

KVA transformer which was overloaded and also proposed for preparing estimate for LT line by nine poles from the existing transformer. However in the year 2018 estimate was prepared by the Respondent No. 1 for electrification of the borewell of the Appellant from another transformer namely Majige transformer with six poles, accordingly the erection of poles and electrification work was entrusted to M/s. Sri Mallikarjun Electrical Neeralakeri. The work was completed on 25.10.2018 which was categorically admitted by the Appellant himself. Now the Appellant is alleging that while erecting the electrical poles the Respondent No. 1 reduced the number of poles from nine to six as estimated earlier. The Respondent No. 1 is liable to erect two more electrical poles and complete the electrification work as estimated earlier. The records produced in this case clearly indicates that the electrification work completed by the Respondent No. 1 in the year 2018 to the borewell of the Appellant, the same was dried up at a later stage. The Appellant dug a new borewell 150 meters away from the previous dried up borewell and got electricity connection from the existing electrical pole. Now the Appellant is seeking erection of two more electrical poles and electrification to the new borewell dug by him under the old connection. When the previous

borewell is dried up, the Appellant dug a new borewell, he has to submit fresh application to the Respondent No. 1 for electrification of the same. The Respondent No. 1 made a local inspection and found that the electrification with two electrical poles is required for proper electrification of the new borewell dug by the Appellant, accordingly an estimate was prepared by the Respondent, the work is liable to be executed under the self-execution scheme. The Appellant has to bear the expenses of the same. In order to avoid the expenses being borne out by the Appellant for electrification to his new borewell, the Appellant is asserting that the existing borewell is the one which was dug in the year 2005, which is false and incorrect. When the Appellant dug a new borewell, it is his duty to seek electrification of the same by erecting proper electrical poles with other necessary accessories. Much reliance was placed by the Representative of the Appellant on technical feasible report prepared in the year 2005, pertaining to the old borewell dug in the year 2005 which was dried up. Therefore the said technical feasible report does not come to the rescue of the Appellant in any manner, when the Respondent No. 1 completed the erection of poles and electrification from the transformer of Majigi. The officials of the Respondent No. 1 made a local inspection and found that the

Appellant taken the electrical connection from the existing pole and running the borewell. The photos and video of the same was produced before the CGRF. It was noticed during the spot inspection that the new borewell of the Appellant was functioning with the connection taken from the existing pole which was erected to the electrification of old dried up borewell. If at all the Appellant needs erection of two more poles with electrification, he is at liberty to get the same executed through self-execution scheme or any other scheme available at the Distributing Licensee Company. Therefore the CGRF on taking into consideration, the spot inspection report submitted by the concerned authorities, on taking into consideration the facts and circumstances of the case rightly dismissed the complaint.

- 11) On examination of the order passed by the CGRF including the documents produced in the appeal, in view of the admitted facts as discussed supra, the CGRF on examination of the facts and circumstances of this case rightly dismissed the complaint. The order passed by the CGRF does not suffers from any material legal infirmities, the same is not perverse needs to be interfered by this authority. Accordingly, point No. 1 is answered in the negative.
- 12) In the result, I proceed to pass the following;



**O R D E R**

1) The appeal is dismissed.

Sd/-  
(B.V. Patil)  
Electricity Ombudsman.

- 1) Sri Veerabhadhrayya Basayya Matta,  
Survey No. 151/1A,  
Ramathala Village,  
Hunugund,  
Bagalkot.
- 1) Sri Ranganatha M Padamukhe,  
No. 6-C, Sector No. 10,  
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- 3) The Assistant Executive Engineer (Elec.),  
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- 4) H.V. Devaraju, B.A., LL.B.,  
Advocate,  
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Superintending Engineer (Ele),  
O & M Circle, HESCOM,  
Navanagar,  
Bagalkot– 587102.
- 6) PS to Hon'ble Chairman, KERC
- 7) PS to Hon'ble Member (M), KERC
- 8) PS to Hon'ble Member (R), KERC
- 9) PA to Secretary, KERC.