

# BEFORE THE ELECTRICITY OMBUDSMAN

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

Present: **R. Sharada,**  
**District Judge (Retd)**  
**Electricity Ombudsman,**

**Case No. OMB/B/G-433/2021**

**Dated: 12/01/2022**

In the matter of

M/s. Rekhi Investments,  
#1136, 100 Feet Road,  
HAL 2<sup>nd</sup> Stage,  
Bengaluru – 560038.

**Represented by:**

Sri Nagaraju, Advocate,  
#11, “Anjanadri”, 2<sup>nd</sup> Block, 4<sup>th</sup> Cross,  
Ramanjaneyanagar,  
Chikkalasandra,  
Bengaluru-560 061.

- Appellant

Vs

1) The Chairperson,  
Consumer Grievance Redressal Forum/(CGRF)  
Bengaluru Urban District,  
BESCOM, West Circle,  
Basaveshwarnagar,  
Bengaluru – 560079.

2) The Assistant Executive Engineer (Elec.),  
O & M E-6 Sub Division, BESCOM,  
16<sup>th</sup> Main, Kodihalli, Indiranagar,  
Bengaluru – 560038.  
(In person)

- Respondents

This Appeal is filed by the Complainant/Appellant under Regulation 21.2 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, with a prayer to quash the order dated 29.04.2021 in case No. CGRF/32/2019-2020/05.08.2019, CP/CGRFBU/BWC/512-516 passed by the CGRF Bengaluru Urban District of BESCOM, further, quash the notice dated 09.06.2021 issued by 2<sup>nd</sup> Respondent based on the order of CGRF dated 29.04.2021 passed by the 1<sup>st</sup> Respondent and direct the Respondent to test the meter from Central Power Research Institute (CPRI) for testing the accuracy of the meter in the interest of justice and equity.

- 1) It is the case of the Complainant/Appellant that the Appellant is the consumer of the Respondent company having RR No. E6HT-266 serviced on 13.07.2015 under HT-2 tariff as per the procedure laid down under conditions of electricity code after conducting pre-commission test and the Appellant is paying up to date bill issued by the BESCOM Authority within stipulated period and without any default.
- 2) It is further stated that the meter after installation was tested by Meter Testing Division of the Licensee Company 05.01.2017 and found correct. Further MT Division has conducted meter testing

on 30.05.2019 reported that meter is recording 58% slow and the alleged reason given as that auto scrolling was locked and CTs connection working of 'B' phase is wrongly connected. Basing on this incorrect and concocted report of the MT Division the 2<sup>nd</sup> Respondent called the Appellant to pay short claim of Rs. 98,20,332/- for slow recording of meter in respect of RR No. E-6HT-266 covering for the period from 13.07.2015 to 13.07.2019 that is for a period of 45 months. The 2<sup>nd</sup> Respondent in this regard has passed an order vide its order No. AEE(EI)/E-6/AAO/2019-2020/1338-44 dated 19.07.2019.

- 3) Further it is stated that the Appellant being aggrieved by the order passed by the 2<sup>nd</sup> Respondent had filed a complaint before the 1<sup>st</sup> Respondent CGRF consequently the 1<sup>st</sup> Respondent has disposed of the complaint on 29.04.2021 by partly allowing the complaint and revised the short claim limiting to 6 months from prior to the date of inspection. Aggrieved by the said order the Appellant has preferred this appeal for the following grounds.

### **GROUND**

- a. The Appellant has specifically taken contention before the 1<sup>st</sup> Respondent, that the 2<sup>nd</sup> Respondent has not followed the mandatory procedure prescribed under the Regulation 27.03

of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka.

- b. The 2<sup>nd</sup> Respondent has not drawn mahajar properly and he has not obtained the signature of the consumer or his authorized representative for witnessing the test, therefore, there is procedural lapses on the part of the Respondent. The 1<sup>st</sup> Respondent has not observed that the installation was serviced on 13.07.2015 by the 2<sup>nd</sup> Respondent after testing the meter on 23.01.2015 by the appropriate MT lab of BESCOM. The test result indicates that the meter bearing serial No. 14197795 is tested for its accuracy and found all the error within the permissible limits as per IS14697 standard.
- c. The 1<sup>st</sup> Respondent has not observed that installation was serviced on 13.07.2015, on 04.07.2015 pre-commission test was conducted and report issued for having checked the entire CTs working system pertains to meter recording system to ensure the correct recording the consumed electrical energy of this installation. The entire process have been carried out by the authorized officer of the BESCOM and all are Senior Officers technically knowledgeable

professional responsible and in their duty normally they do not commit any mistake during the inspection. They have followed procedure throughout inspection and issued the tested certificate to service the installation after confirming all the parameters of the meter working correctly and perfectly. Only after pre-commission test the installation was serviced on 13.07.2015. This clearly concludes that the meter was proper and good condition as on the date of service.

- d. The 1<sup>st</sup> Respondent has failed to observe that, as it is HT installation, AEE (Ele) is the Authorized Officer to take meter reading and issue the bill every month. The 2<sup>nd</sup> Respondent used to visit the Complainant premises to take the reading and to issue the bill. It is an admitted fact that from the MT report and Mahajar report that, since from the date of service i.e., from 13.07.2015 the meter seal and the meter are intact. If the meter display is showing 'AUTO ASSO' in the ETV meter, it would have been noticed by the 2<sup>nd</sup> Respondent in the monthly reading of the meter since 31.01.2015.

- e. The 1<sup>st</sup> Respondent has failed to observe that it is false allegation that the meter was slow recording by 58% and display was showing 'AUTO ASSO', only on this ground the impugned order is liable to be quashed.
- f. The 1<sup>st</sup> Respondent failed to observe that the meter testing report does not show, that the meter was either tampered with, or the consumer damaged it, or any fraud or tampering of meter occurred. Actually the 1<sup>st</sup> Respondent twisted the facts to tarnish the image of the Appellant as well as his own department officers who have previously rated the installations. Thereby, the order of 1<sup>st</sup> Respondent is not sustainable and liable to be quashed.
- g. The order passed by the 1<sup>st</sup> Respondent dated 29.04.2021 is not sustainable because even though it restricted to 6 months which amounts to imposing penalty, actually there is no any liability on the part of the Appellant, fixation of 6 months by the 1<sup>st</sup> Respondent is without any basis, therefore fixing the short claim for the period of 6 months is illegal and bad in law, with all these the Appellant further submitted that on the basis of the impugned order the 2<sup>nd</sup> Respondent issued revised final notice dated 09.06.2021 to make payment a

some of Rs. 14,59,343/-, hence the present appeal is filed and he prays to allow the appeal in the interest of justice and equity.

- 4) This Authority has issued notice to the Respondents. The 2<sup>nd</sup> Respondent has appeared before this Authority in person and filed written objections.
- 5) In the objections the 2<sup>nd</sup> Respondent has stated that the HT commercial installation bearing RR No. E6HT266 is serviced on 13.07.2015 registered in the name of the Appellant and the said installation was serviced after conducting pre-commissioning test on 04.07.2015 by the then Assistant Executive Engineer (Ele.) HT Rating Sub Division, Indiranagar. Further it is stated the rating report dated 05.01.2017 and 30.05.2019 as per Annexure-B, a final speaking order as per Annexure-C is issued for supplementary claims of Rs. 97,47,074/- as per KERC's Clause 29.03 from 13.07.2015 to 01.05.2019. Aggrieved by the said order the Appellant herein has approached CGRF in Complaint No. CGRF/32/2019-2020/ 05.08.2019. In turn the CGRF has disposed the complaint on merits by partially allowing the claims of the Petitioner/Appellant limiting the short claims for a period of six months as natural justice.

6) Further it is stated that, the third party inspection/evaluation arranged on 08.07.2019 through intimation vide letter No. 1112-21 dated 05.07.2019. The Government Electrical Inspectorate, Government Deputy Electrical Inspectorate and Government Assistant Electrical Inspectorate along with Assistant Executive Engineers (Ele), HT Rating Sub Division and Assessing Officer with O & M Engineers were present, but on that day neither the registered consumer nor consumer representatives were present thereby, again on 15.07.2019 inspection has been conducted from 11.30 AM to 5.30 PM. On that day the above said Government Electrical Inspectorate Officers, AEE (Ele), HT Rating and O & M Unit Engineers and also the consumer/their representatives were present. Thereby, on 15.07.2019 in the presence of Government Officials as well as consumer representatives third party inspection was conducted. In that inspection slow recording of (-) 55.821% before correcting the reverse connected CT secondary's found and (2) slow (-) 0.062% after correcting the reverse connected CT secondary's in TTB which is within permissible units. And the necessary seals were released in front of the consumer/their representatives duly witnessing the third party Government Electrical Inspectorate while conducting the



tests and the necessary inspection reports and mahajar were drawn duly witnessing the officers from Government third party side and also from the Consumer and their representatives along with the Assessing Officer.

- 7) Accordingly, provisional demand of notice for Rs. 1,07,96,644/- was revised for 55.821% slow recording as witnessed during the third party inspections and also evaluations. Further he stated that the CGRF has partially allowed the plea of the Petitioner/Appellant and passed impugned order.
- 8) Further it is stated that the AEE (Ele), HT Rating Sub Division while testing the above meter in instantaneous mode along with consumer's representatives it was found that 58% slow recording observed and necessary inspection report along with mahajar report were drawn. Thereby, the licensee has followed all procedures as per the KERC norms. Further stated that, the installation bearing HT RR No. E6HT-266 was serviced on 13.07.2015 duly testing in the BESCO MT lab and test results were accepted as per standards. Thereafter, pre-commissioning test was done on 04.07.2015. The installed meter was proper and good condition as per the PC-test report, however, the B face CT secondary connection was wrongly connected at TTB which was

established in the third party inspections on 15.07.2019. The monthly billing parameters were taken on manual mode to serve bills to the Consumer, the engineer incharge is able to take meter readings through meter reading window and able to access the internal connections on account of sealing of the meter chamber. A detailed rating reports were conducted by HT teams for analyzing the technical parameters and noticed the wrong connection of B phase CT secondary and found 58% slow recording which is established well during third party inspection. The licensee has followed KERC and BESCOM Norms.

- 9) Further it is stated, during inspection conducted on 30.05.2019 the meter data has been downloaded and handed over a copy of the same to the consumer. The claimed amount is purely short claim under Section 29.03 of KERC's Conditions of Supply of Electricity of Distributions Licensees in the State of Karnataka without claiming interest for the loss towards revenue on the account of slow recording which was established as per the documentary evidence and circumstantial evidences. Further stated the Appellant has not paid amount to the Licensee as per the orders of CGRF. There is no need of installing the check meter because the error attended which was established during

third party inspections. Further the Second Respondent requested this Authority to consider the loss of revenue caused to the BESCOM on account of slow recording of (-) 55.821% as found during 3<sup>rd</sup> party inspection and dispose the case in the interest of justice and equity.

10) The case is posted for arguments. During the course of arguments, the Learned Counsel for Appellant has submitted oral arguments along with written submissions. The 2<sup>nd</sup> Respondent has submitted oral arguments.

11) Heard the arguments, and perused the records.

12) At this stage the below mentioned points arose for my consideration.

a) **Point No. 1:** - Whether the Appellant proves that the order passed by the 1<sup>st</sup> Respondent/CGRF in case No. CGRF/32/2019-2020/05.08.2019, CP/CGRFBU/BWC/512-516 dated 29.04.2021 is arbitrary, capricious, and not sustainable under law, thereby the interference of this Authority is needed.

b) **Point No. 2:** - What Order?

13) My answers to the points as stated below

**Point No. 1:** - In the Negative.

**Point No. 2:** -As per final order, for the reasons made herein below: -

**REASONS**

- 14) During course of arguments the Learned Counsel of the Complainant/Appellant submitted that the Appellant/Consumer running the lodge at HAL 2<sup>nd</sup> Stage, Indiranagar, Bengaluru. He availed electricity connection to his installation vide RR No. E6 HT-266 with a contract demand of 120 KVA under HT (2) (b) Tariff. The said installation was serviced on 13.07.2015, before supplying the electricity, the Licensee tested the meter and recorded the correctness. Thereafter, once again pre-commission test was conducted on 04.07.2015.
- 15) Further he submitted that it is confirmed that the meter and CT and PT polarity test found ok on 23.01.2015 and 04.07.2015. The Appellant is prompt in paying the electricity bill within the scheduled time. Once again, the installation was tested by the MT Division on 05.01.2017 and after detailed testing, it is certified that the working condition of the meter is good and the error is within permissible limit. On 30.05.2019 again MT staff conducted the meter testing and reported the meter is recording

58% slow. The reason assigned by the MT staff is 'auto scrolling was locked and CT connection wrongly connected'. On the basis of this report the Executive Engineer (Ele) issued a demand notice to the Consumer/Appellant calling upon him to pay short claim of Rs. 1,07,96,644/- for slow recording of meter. According to MT staff the period of short claim was 45 months i.e., from 13.07.2015 to 01.05.2019.

- 16) Further he submitted that, the Appellant has insisted 3<sup>rd</sup> Party inspection. Thereby, on 15.07.2019 once again installation was calibrated before the Government Electrical Inspectorate and the slow recording was found to an extent of (-) 55.821%. Consequently, an order was passed to pay a short claim amount of Rs. 97,47,074/-, but there is no any seal of Electrical Inspectorate on Mahazar or clue on the report and it is not borned by any certificate from the 3<sup>rd</sup> party. Totally the report appears to be a bald one. Aggrieved by this order the Appellant challenged the same before CGRF concerned. The CGRF/1<sup>st</sup> Respondent after hearing both the parties passed an order dated 29.04.2021, modifying the order of 2<sup>nd</sup> Respondent to an extent of 6 months. Further he submitted that the Appellant is not liable to pay any amount to the 2<sup>nd</sup> Respondent towards short claim because the

Appellant had been paying charges towards consumption of electricity as per the bills issued by the 2<sup>nd</sup> Respondent and there is no any allegation of fraud, theft or tampering the meter against the Appellant. The 1<sup>st</sup> Respondent has not observed the defense taken by the Appellant but mechanically passed impugned orders. Thereby, the orders passed by the 1<sup>st</sup> Respondent is arbitrary, capricious and not sustainable. Hence the present appeal is filed.

- 17) Further he submitted that, the 1<sup>st</sup> Respondent without considering the test reports and Mahazar report, without applying mind has passed orders which is unreasonable and unjustifiable. The 1<sup>st</sup> Respondent ought to have considered the contents of the test reports dated 04.07.2015 and 05.01.2017, but failed to appreciate the same. On perusal of the documents furnished by the Respondent as well as the Petitioner it appears that there is no much difference in average consumption of electricity by the Appellant. Such being the situation the 1<sup>st</sup> Respondent ought to have applied its judicial mind and would have passed orders, but he failed to do so. The Appellant never was in default from the date of installation till date in making payments towards electricity charges as per the bills issued by the 2<sup>nd</sup> Respondent. If there is any fault in the meter, the 2<sup>nd</sup> Respondent ought to have

tested the meter by sending the same to CPRI to know its accuracy, but he has not done it. Considering all these facts and circumstances of the case and also documents furnished by the parties, he prays to allow the appeal as prayed for in the interest of justice and equity.

- 18) The 2<sup>nd</sup> Respondent during the course of the arguments has submitted that, there is no dispute that the Appellant is the registered consumer for HT Commercial installation bearing RR No. E6HT-266. It was serviced on 13.07.2015 after conducting pre-commission test dated 04.07.2015 by the then AEE (Ele), HT Rating Sub Division, Indiranagar. On 30.05.2019 MT Division staff conducted meter reading test of the installation belonging to the Appellant and found that the meter was running (-) 58% slow. Thereafter, they submitted a report to take up necessary action. According to the request of the Appellant himself on 15.07.2019 a 3<sup>rd</sup> Party inspection has been conducted as per the procedure in the presence of the Consumer and the representatives of the Consumer, then the Government Electrical Inspectorate who had inspected found that there was slow recording of meter to the tune of (-) 55.821% and reasons was recorded as “*auto scrolling was locked and CT’s connection working of ‘B’ phase is wrongly*”

*connected*”. Thereby, he has given a report to recover short claims from the Consumer. Accordingly, a notice is given to the Consumer.

- 19) Further he submitted the Consumer instead of making short claim payment approached 1<sup>st</sup> Respondent in case No. CGRF/32/2019-2020/05.08.2019, CP/CGRFBU/BWC/512-516 in which the 1<sup>st</sup> Respondent has passed the impugned order on 29.04.2021. This Respondent has obeyed the orders passed by the 1<sup>st</sup> Respondent and issued final notice dated 09.06.2021 for a sum of Rs. 14,59,343/-. Further stated that this Respondent is claiming to make payment from the Appellant for the electricity he utilized only for a period of 6 months as per order passed by the 1<sup>st</sup> Respondent. Therefore, there is no illegality in the claim of the Respondent. Hence, he prays to consider all these facts and circumstances of the case and to pass orders upholding the orders passed by the CGRF in the interest of justice and equity.
- 20) I have perused the documents produced by the Appellant. The copy of the order passed by the 1<sup>st</sup> Respondent in case No. CGRF 32/2019-20 is produced as per Annexure-A. The copy of the periodical rating test report dated 05.01.2017 is produced as per Annexure-B (the same copy has been produced as Annexure-G).



The copy of the written submission filed by the Appellant before the 1<sup>st</sup> Respondent is produced as per Annexure-C. the copy of the meter test report dated 22.01.2015 is produced as per Annexure-D. The copy of the PC test report dated 01.07.2015 is produced as per Annexure-E. The copy of the information regarding meter reading and recording is produced as per Annexure-F. The copy of periodical rating test report dated 30.05.2019 is produced as per Annexure-H. The copy of the units consumption details pre-3<sup>rd</sup> party inspection in the month of July 2019 and average consumption details from 2015-2020 is produced as per Annexure-J. The copy of the final notification dated 09.06.2021 issued by 1<sup>st</sup> Respondent to the Appellant is produced as per Annexure-K.

- 21) I have perused the documents produced by the 2<sup>nd</sup> Respondent. A copy of the PC test report dated 04.07.2015 is produced as per Annexure-1, a copy of periodical rating test report dated 05.01.2017 is produced as per Annexure-2, a copy of the periodical rating test report dated 30.05.2019 is produced as per Annexure-3, a copy of 3<sup>rd</sup> party inspection report conducted by Government Electrical Inspectorate dated 15.07.2019 is produced as per Annexure-4, a copy of periodical rating report dated

06.08.2021 as per Annexure-5, a copy of instantaneous report issued by L & T dated 30.05.2019 is produced as per Annexure-6, a copy of the Mahazar report dated 30.05.2019 is produced as per Annexure-7 and further the 2<sup>nd</sup> Respondent has also furnished copies of the Mahazar dated 15.07.2019, the copy of the letter dated 07.06.2019 issued by the 2<sup>nd</sup> Respondent to the Appellant calling upon the Appellant to pay revised bill amount of Rs. 1,07,96,644/- or to submit his objections if any within 7 days from the date of receipt of the letter, a copy of the objections submitted by the Appellant to the 2<sup>nd</sup> Respondent dated 13.06.2019, the copy of the proceeding dated 02.07.2019 under KERC's Conditions of Supply of Electricity of Distributions Licensees in the State of Karnataka clause 29.03 before 2<sup>nd</sup> Respondent, the copy of the letter dated 10.07.2019 written by 2<sup>nd</sup> Respondent to the Appellant directing him to attend 3<sup>rd</sup> Party inspection which was scheduled on 15.07.2019, the copy of the speaking order dated 19.07.2019 passed by the 2<sup>nd</sup> Respondent holding that the Consumer is liable to pay the revised supplementary claims of Rs. 97,47,074/- as per KERC's Clause 29.03 from 13.07.2015 to 01.05.2019 and the copy of the order passed by the 1<sup>st</sup> Respondent in case No. CGRF 32/2019-20 is

produced as per Annexure-A (in page No. 20 Annexed with parawise reply).

- 22) On perusal of the contents of the Petition, contents of the objections statement and the documents produced by both the parties, I would like to take up first the admitted facts. It is not in dispute that the Appellant is the Consumer of the 2<sup>nd</sup> Respondent having RR No. E6HT-266 serviced on 13.07.2015 under HT-2 Tariff. It is also not in dispute that the meter installed by the 2<sup>nd</sup> Respondent is in order from the date of installation till date. The only contention of the 2<sup>nd</sup> Respondent is that when MT staff visited the premises of the Appellant on 30.05.2019 for conducting meter test then they found the meter is recording (-) 58% slow and the reason was given as that “auto scrolling was locked and CT’s connection working on ‘B’ phase is wrongly connected”. Basing on this the 2<sup>nd</sup> Respondent issued short claim bill to the Appellant covering for a period from 13.07.2015 to 13.07.2019 i.e., for a period of 45 months. On the complaint filed by the Consumer before the 1<sup>st</sup> Respondent he passed impugned order directing the Respondent/AEE (Ele), E-6 Sub Division to revise the supplementary claims for a period of 6 months from prior to the date of inspection as per Clause 27.03 of Conditions

of Supply of Electricity of Distributions Licensees in the State of Karnataka.

- 23) I have perused the records furnished by both the parties. The Petitioner has furnished pre-commission test report dated 04.07.2015 as shown (in page No. 45) Annexure-E (and the same document has been produced by the Respondent as per Annexure-1). According to this document PC test was conducted both on CTS/PTS for ratio and polarity test and found ok and further observed as “the HTMC may be commissioned duly following all BESCO formalities”. Another document Annexure-B produced by the Appellant (as per Annexure-2 produced by the 2<sup>nd</sup> Respondent), on 05.01.2017 periodical rating/additional/reduction of load De-commission test was conducted, the testing authority found that percentage of error of meter is within permissible limits of error. Again on 30.05.2019 as per Annexure-3 (produced by the Respondent No. 2) and in Annexure-H (produced by the Appellant) periodical rating test was done and according to the report of testing Authority it was observed as “the above HT installation visited to carryout periodical ETV meter, active energy recording test, during this time ETV meter display showing ‘rong asso’, after inspection

found that B/CT secondary wiring reverse connected at 'TTB'. Hence detailed Mahazar report has been made regarding -50% error in active energy recording with the report Mahazar copy enclosed and action shall be taken to collect short claim as per BESCOM Norms".

- 24) This document shows for the first time (-) 58% slow recording was found by the MT test staff after installation i.e., from 13.07.2015. The Annexure-1 & 2 (PC test report dated 04.07.2015 and periodical rating test report dated 05.01.2017) are not denied by the 2<sup>nd</sup> Respondent even at the time of testing of the HT meter on 30.05.2019 belonging to the Appellant. Thereby, till 05.01.2017 the condition of the meter and it's recording on the consumption of electricity by the Appellant are to be accepted as correct. Therefore, no liability can be fixed on the Appellant to make payment of short claim till 05.01.2017 as per Speaking Order dated 19.07.2019 passed by the 1<sup>st</sup> Respondent.
- 25) Then coming to Annexure-3 i.e., the report dated 30.05.2019 given by the Assistant Executive Engineer (Ele), HT Rating, E-6 Sub division, BMAZ, BESCOM, it is found that there was (-) 58% error in active energy in RR No. E6HT-266. The Appellant has disputed the report along with Mahazar done by the Assistant

Executive Engineer (Ele), HT Rating, E-6 Sub division, BMAZ, BESCOM, thereby, he requested for 3<sup>rd</sup> party inspection. Accordingly, on 15.07.2019, a 3<sup>rd</sup> party inspection had been conducted by the Government Electrical Inspectorate in the presence of consumer, consumer representatives and the officers of BESOM. The Respondent has produced the copy of the Mahazar dated 15.07.2019 (in page No. 63 to 65 along with the Memo dated 07.10.2021 by 1<sup>st</sup> Respondent). During course of arguments the Learned Counsel of the Appellant has submitted that, the Officers of the BESCOM have taken signatures of the consumer and representatives of the consumer on blank papers forcibly. But he has not clarified to this Authority after putting signatures on blank papers, whether the Appellant or his representatives made any complaint before any Competent Authority to take up necessary action in this regard. No evidence is produced before this Authority to show that the officers of the Respondent No. 2 have obtained signatures forcibly on blank papers from the Appellant. Therefore, this allegation cannot be accepted.

- 26) On perusal of the attested copy of the Mahazar dated 15.07.2019 it appears that on that day the Mahazar was conducted at the

place of installation E6HT-266 from morning 11.55 hours

onwards. The said Mahazar reads as follows: -

“ದಿನಾಂಕ 15-07-2009 ರಂದು ಬೆಳಿಗ್ಗೆ 11:55 ಗಂಟೆಗೆ 76 ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳ ಕೋರಿಕೆಯ ಪತ್ರ ಸಂಖ್ಯೆ: AEE/AET(T)/2019-20/113-23 ದಿನಾಂಕ 10-07-2019 ರಂತೆ HAL 2ನೇ ಹಂತದ, ಇಂದಿರಾನಗರದ, 100 ಅಡಿ ರಸ್ತೆಯಲ್ಲಿರುವ ಮೆ|| ರೇಖಿ ಇನ್‌ವೆಸ್ಟ್‌ಮೆಂಟ್ , ಸಂ.1136, 100 ಅಡಿ ರಸ್ತೆ, ಇಂದಿರಾನಗರ, ಬೆಂಗಳೂರು ಇಲ್ಲಿ ಇರುವ ಪಶ್ಚಿಮಾಭಿಮುಖವಾಗಿರುವ ಮೆ|| ಬ್ಲೂಮ್‌ರೂಮ್ಸ್ ಎಂಬ ಹೆಸರಿನಲ್ಲಿ ಕರೆಯಲ್ಪಡುವ ಬೆಸ್ಕಾಂ ಇಲಾಖೆ ವಿದ್ಯುತ್ ಸ್ಥಾವರ ಸಂಖ್ಯೆ -E6HT-266 ಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಸಾಕ್ಷ್ಯಧಾರರನ್ನೊಳಗೊಂಡ ಪಂಚನಾಮೆಯ ತಂಡದ ಸಮ್ಮುಖದಲ್ಲಿ ನಡೆದ 3ನೇ ಪಾರ್ಟಿಯ ಪರಿವೀಕ್ಷಣಾ ಉಪಸ್ಥಿತಿಯಲ್ಲಿ ಸದರಿ ವಿದ್ಯುತ್ ಸ್ಥಾವರವನ್ನು HT ರೇಟಿಂಗ್, ಇಂದಿರಾನಗರ ವಿಭಾಗ, ಬೆಸ್ಕಾಂ, ರವರೊಂದಿಗೆ ಜಂಟಿ ತಪಾಸಣೆ ಹಾಗೂ ಪರಿವೀಕ್ಷಣೆಯನ್ನು ಕೈಗೊಳ್ಳಲು ಸಮಯ ಮಧ್ಯಾಹ್ನ 12:30 ರ ನಂತರ ಪರಿವೀಕ್ಷಣೆ ಕೈಗೊಂಡು ಈ ಕೆಳಕಂಡಂತೆ ವಿವರಗಳನ್ನು ನಮೂದಿಸಲಾಗಿದೆ.

1. ವಿದ್ಯುತ್ ಸ್ಥಾವರದ R.R. ಸಂಖ್ಯೆ: E6HT-266, ಮಾಪಕದ ತಯಾರಿಕೆ- L&T, SL. No-14197795.
2. ಮಂಜೂರಾತಿಯಾದ C.D-120KVA
3. C.T. Ratio - 7.5/1
4. Meter Constant - 750
5. ಜಕಾತಿ (Tariff) - HT26 (ವಾಣಿಜ್ಯ ಬಳಕೆ)
6. ಪೂರ್ವ-ದಕ್ಷಿಣ ಭಾಗದಲ್ಲಿ ಸ್ಥಾಪಿತವಾಗಿರುವ HT ಮೀಟರಿಂಗ್ ಕ್ಯುಬಿಕಲ್ ಮತ್ತು ವಿದ್ಯುತ್ ಪರಿವರ್ತಕ.

ಮೇಲ್ಕಂಡ ವಿವರದ ವಿದ್ಯುತ್ ಸ್ಥಾವರಕ್ಕೆ ಬೆಸ್ಕಾಂ ಇಲಾಖೆಯಿಂದ ನೀಡಲಾದ ಶೇ.58 ರ ಸ್ಲೋರೆಕಾರ್ಟಿಂಗ್‌ನಿಂದಾಗಿ ಕಂದಾಯ ಬಾಕಿ ಉಳಿಗೆ (Short claim) ಗೆ ಸಂಬಂಧಿಸಿದಂತೆ 3ನೇ ಪಾರ್ಟಿ ಜಂಟಿ ತಪಾಸಣೆಯನ್ನು ಗ್ರಾಹಕರು, ಗ್ರಾಹಕರ ಪ್ರತಿನಿಧಿಗಳು, ಬೆಸ್ಕಾಂ ಇಲಾಖಾ HT ರೇಟಿಂಗ್ ಸಹಾಯಕ ಕಾರ್ಯ ನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಸ.ಕಾ.ನಿ.ಅ., 76 ಉಪವಿಭಾಗ, ಬೆಸ್ಕಾಂ ಇಲಾಖಾ ಕಿರಿಯ ಹಾಗೂ ಸಹಾಯಕ ಇಂಜಿನಿಯರ್‌ಗಳು, ಹಾಗೂ ಸರ್ಕಾರದ ವಿದ್ಯುತ್ ಪರಿವೀಕ್ಷಣಾ ಇಲಾಖೆಯ ವಿದ್ಯುತ್ ಪರಿಕರಗಳ ಸಮ್ಮುಖದಲ್ಲಿ ಜಂಟಿ ಪರಿವೀಕ್ಷಣೆ ಮಾಡಲಾಗಿ ಸದರಿ ವಿದ್ಯುತ್ ಮಾಪಕದ B-ಫೇಸ್‌ನ Test Terminal Block ಹಾಗೂ ಮೀಟರ್ ಛೇಂಬರ್‌ನ ಸೇಲ್‌ಗಳನ್ನು ತೆಗೆದು ಬೆಸ್ಕಾಂ ಇಲಾಖೆಯ ಮೀಟರ್ ಟೆಸ್ಟಿಂಗ್ ಉಪಕರಣದ ತಯಾರಿಕೆ EMH, SL. No-49240 ಸಹಾಯದಿಂದ ಟೆಸ್ಟಿಂಗ್‌ಗೆ ಒಳಪಡಿಸಿ ನೋಡಲಾಗಿ ಸದರಿ ವಿದ್ಯುತ್ ಮಾಪಕದ T.T.B ಯಲ್ಲಿ B-ಫೇಸ್‌ನ C.T. ಸೆಕೆಂಡರಿ ಕನೆಕ್ಷನ್ ಅದಲು ಬದಲು ಆಗಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ ಅಂದರೆ (Reverse polarity connection). ತದನಂತರ ಬೆಸ್ಕಾಂ ಇಲಾಖಾ ಟೆಸ್ಟಿಂಗ್ ಕಿಟ್‌ನ್ನು ಅಳವಡಿಸಿ ಆನ್‌ಲೋಡ್‌(on load) ಸ್ಥಿತಿಯಲ್ಲಿ ಪರಿಶೀಲಿಸಲಾಗಿ - 55.82% ರಷ್ಟು ಸ್ಲೋರೆಕಾರ್ಟಿಂಗ್ ನಮೂದಾಗುತ್ತಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. (Installations Error) ಸದರಿ ಪರಿಶೀಲನೆ

ವರದಿಯನ್ನು ಎಲ್ಲರ ಸಮ್ಮುಖದಲ್ಲಿ ತೋರಿಸಿ, ಮನವರಿಕೆ ಮಾಡಿಸಿ ವಾಖಲಿಸಲಾಯಿತು.

ಮುಂದುವರಿದು ಸದರಿ ವಿದ್ಯುತ್ ಮಾಪಕದ T.T.B.ಯಲ್ಲಿಯ ಅದಲು ಬದಲಾಗಿ (Reverse polarity) ಜೋಡಿಸಿದ್ದ C.Tಸೆಕೆಂಡರಿಯ ವೈರ್‌ಗಳನ್ನು ಸರಿಪಡಿಸಿ, ಕ್ರಮಬದ್ಧವಾಗಿ ಅಳವಡಿಸಿ ಪುನಃ ಬೆಸ್ತಾಂ ಇಲಾಖೆಯ ಟೆಸ್ಟಿಂಗ್ ಉಪಕರಣದ ಸಹಾಯದಿಂದ ಪರೀಕ್ಷಿಸಲಾಗಿ ಸದರಿ ವಿದ್ಯುತ್ ಟೆಸ್ಟಿಂಗ್ ಉಪಕರಣದಲ್ಲಿ - 0.062% ದಾಖಲಾಗುತ್ತಿರುವುದು (Installations Error) ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ಅಂಶಗಳನ್ವಯ ಪರಿಶೀಲಿಸಿ ನೋಡಲಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ಅಭಿಪ್ರಾಯಪಡಲಾಗಿದೆ.

- 1) ಸದರಿ ವಿದ್ಯುತ್ ಮಾಪಕದ T.T.B.ಯಲ್ಲಿಯ B-ಫೇಸ್‌ನ C.Tಸೆಕೆಂಡರಿ ಕನೆಕ್ಷನ್ ಅದಲು ಬದಲು ಆಗಿದ್ದ ಸ್ಥಿತಿಯಲ್ಲಿ (Reverse polarity) ಶೇ - 55.82 ರಷ್ಟು ಕಡಿಮೆ ದಾಖಲಾಗುತ್ತಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.
- 2) ಸದರಿ ವಿದ್ಯುತ್ ಮಾಪಕದ T.T.B.ಯಲ್ಲಿಯ B-ಫೇಸ್‌ನ C.Tಸೆಕೆಂಡರಿ (Reverse polarity) ಅದಲು ಬದಲಾಗಿದ್ದ ವೈರ್‌ಗಳನ್ನು ಕ್ರಮಬದ್ಧವಾಗಿ ಜೋಡಿಸಿ ಪುನಃ ಟೆಸ್ಟಿಂಗ್ ಮಾಡಲಾಗಿ ಶೇ-0.062 ರಷ್ಟು ದಾಖಲಾಗುತ್ತಿರುವುದು ಕಂಡುಬಂದ ಸದರಿ ದೋಷವು (-0.062%) Permissible limitನಲ್ಲಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ.
- 3) ವಿದ್ಯುತ್ ಮಾಪಕದ ಟೆಸ್ಟಿಂಗ್ ಫಲಿತಾಂಶಗಳ ಪ್ರಕಾರ - 55.82% ದಾಖಲಾಗಿರುವುದು(Installations Error)ದಕ್ಕೆ ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನಿಯಂತ್ರಣ ಆಯೋಗದ ನಿಯಮಾವಳಿಯನ್ವಯ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಅಭಿಪ್ರಾಯಪಡಲಾಗಿದೆ.”

27) On perusal of the contents of the Mahazar it appears that the inspection staff have also corrected 'B' phase CT Secondary Reverse Polarity connections, thereafter, tested the same and found that error was in permissible limit. Again this document shows that 1) Sri Charanjeet Singh Rekhi S/o Kuldeep Singh Rekhi 2) Sri Premjith E.P S/o E. Purushotaman 3) Om Pradeep and 4) K.B. Nagaraj were present and signed on Mahazar on behalf of the Appellant's side likewise 1) Sri B.G. Vijaykumar AEE (Ele), HT Rating, Sub Division North, BESCOM 2) Sri Majunatha AEE (Ele), O & M E-6 Sub Division, BESCOM 3)



M.V. Prabha AEE (Ele), O & M Unit, E-6 Sub Division, Dommaluru, BESCOM and 4) K. Nagaraj Junior Engineer (Ele) Dommaluru Unit, BESCOM were present and signed on the Mahazar on behalf of the Licensee Company. The entire inspection and procedure in conducting Mahazar was done/witnessed by 3<sup>rd</sup> party i.e., Government Electrical Inspectorate along with his officers who are also signatories to the said Mahazar.

28) Clause 27.03 of Conditions of Supply of Electricity of Distributions Licensees in the State of Karnataka reads as follows: -

*27.03 In the event of test being undertaken by the Licensee periodically as per clause 26.07 of these Conditions using an electronic type testing equipment preferably with a facility of a printer attached to it, the following procedure shall be adopted.*

- (i) When the meter is found to be slow beyond the permissible limits, the Consumer shall be liable to pay the difference at normal rates based on the percentage error, for a period of not more than 6 months prior to the test, due regard being paid to the conditions of working occupancy etc., during this period and up to the date of replacement or rectification of the meter.*
- (ii) When the meter is found to be fast beyond the permissible limits, the Licensee shall*

*adjust the excess amount collected based on the percentage error for a period not more than 6 months prior to the date of test, within one month of the date of test by giving credit to the account of the Consumer. In case of delay in adjustment of the excess amount, the Licensee shall pay interest at 1% per month on actual number of days of delay on the amount due for adjustment.*

*(iii) The testing staff of the Licensee shall draw a mahazar and obtain the signature of the Consumer or hi representative for witnessing the test and also agreeing to pay the back billing charges in case of slow recording of the meter.*

*(iv) If the Consumer or his representative refuses to sign the mahazar, the error in the meter need not be adjusted or meter removed and referred to the “Third Party Agency” by the Licensee for testing the meter on the spot who shall test the meter within a period of one week.*

As per above provisions if the Consumer or his representative refuses to sign on the Mahazar disputing the procedure conducted in drawing the Mahazar or the testing report, then the disputed meter or its recordings could be referred to the 3<sup>rd</sup> Party Agency for inspection. In the present case on hand, as per the admission made by the Appellant as he had disputed periodical rating test report dated 30.05.2019 done by the MT staff of the 2<sup>nd</sup>

Respondent and also the Mahazar, hence he himself opted for 3<sup>rd</sup> party inspection. Accordingly, the 2<sup>nd</sup> Respondent had issued notice to the Appellant dated 10.07.2019 calling upon him to be present at the time of 3<sup>rd</sup> party inspection which was scheduled on 15.07.2019 from 11.30 AM to 5.30 PM for the HT installation bearing RR No. E6HT-266 and further it was informed to the Appellant to pay 3<sup>rd</sup> party inspection fees to the Government Electrical Inspectorate, East Division. Further it appears on the request of the Appellant and in his presence as well as his representatives, the 3<sup>rd</sup> party inspection was done on 15.07.2019. Again, it appears that the Appellant had not disputed the procedure conducted by the Government Electrical Inspectorate while conducting 3<sup>rd</sup> party inspection as well as drawing up of Mahazar. It is not the case of the Appellant that he had refused to put his signature on Mahazar. The signatures found on the Mahazar dated 15.07.2019 are not disputed or controverted by the Appellant. Under these circumstances the contents of 3<sup>rd</sup> party inspection report and Mahazar dated 15.07.2019 are to be accepted. The 1<sup>st</sup> Respondent after observing all these facts and circumstances while passing impugned has found that the Mahazar dated 15.07.2019 is in order, thereby, passed impugned

judgement. Hence the Appellant has to pay short claim amount as provided under Clause 27.03 (i) of Conditions of Supply of Electricity of Distributions Licensees in the State of Karnataka.

- 29) During the course of arguments, the Learned Counsel for the Appellant, submitted that he had made prayer before this Authority to send the meter in dispute to CPRI for testing and to know the working condition. But in my opinion sending the meter to CPRI for testing is not necessary in this case as because, the 2<sup>nd</sup> Respondent never stated or made any allegations, that the meter installed to the consumer's premises was/is not in working condition, or the consumer had committed theft of electricity or committed fraud in slow recording or tampering the meter. The only contention of the 2<sup>nd</sup> Respondent at the time of inspection dated 30.05.2019 the MT testing staff found that "*auto scrolling was locked and CT's connection working of 'B' phase is wrongly connected*". Thereby the 2<sup>nd</sup> Respondent claimed for payment of short claim. Apart from that after commission of 3<sup>rd</sup> party inspection and after noting the percentage of recording of electricity consumption i.e., (-) 55.821%, the Officers of the BESCOM had set right the wrong connections into right way, again then tested and found that the error was within permissible

limits. As per the document Annexure-5, periodical rating test was conducted again on 06.08.2021 by the AEE (Ele) HT Rating and found that the meter is recording within permissible limits as per standards. Such being the situation the prayer of the Appellant sending the meter to CPRI to conduct test cannot be accepted.

- 30) Here it is a case that, the meter installation bearing RR No. E6HT-266 running slowly due to “auto scrolling was locked and CTS connection working of ‘B’ Phase was wrongly connected from the date of installation i.e., from 13.07.2015”, thereby the Licensee company had suffered huge loss. Surprisingly, at the same time as per reports produced by the 2<sup>nd</sup> Respondent in Annexure-1 & 2, the slow recording was within permissible limits. But the Licensee company has not accepted its own documents (i.e., Annexure-1 & 2) and claimed for payment of short claim amount of 45 months from the Appellant. Here this Authority is to see whether the Licensee company has been functioning in the manner as provided under Clause 26.02 of Conditions of Supply of Electricity of Distributions Licensees in the State of Karnataka or not.

31) Clause 26.02 of Conditions of Supply of Electricity of Distributions Licensees in the State of Karnataka reads as follows: -

**26.02 Periodicity of testing of meters by the Licensee: -**

*Periodicity of testing of meters shall be as follows: -*

<i>SL. No.</i>	<i>Nature of installation</i>	<i>Periodicity of testing</i>
<i>i</i>	<i>HT installations</i>	<i>Every six months</i>
<i>ii</i>	<i>LT Power installations</i>	
	<i>a) More than 40 HP</i>	<i>Once in a year</i>
	<i>b) 40 HP and below</i>	<i>Once in 2 years.</i>
<i>iii</i>	<i>Other Installations</i>	<i>Once in 5 years.</i>

*Note: All installations whose average consumption is less than 20 units per KW per month or more than 300 units per KW per month shall be mandatorily tested every year.*

As per Clause 26.02 of Conditions of Supply of Electricity of Distributions Licensees in the State of Karnataka, there is a mandate on the Licensee to conduct testing of meters periodically. According to that, for HT installations, testing has to be conducted once in every 6 months.

32) In the present case on hand, the Licensee had provided HT installation to the Appellant in bearing RR No. E6HT-266 under HT-2 Tariff serviced on 13.07.2015. No records are produced by the 2<sup>nd</sup> Respondent to show that he had followed the provisions laid down in Clause 26.02 of Conditions of Supply of Electricity

of Distributions Licensees in the State of Karnataka. This attitude of the 2<sup>nd</sup> Respondent Licensee company shows that he is in dereliction in discharging his duties. Thereby, caused huge loss to the company. Hence, I would like to refer this matter to the Managing Director, BESCOM to take up proper steps and to find out who are the officers or officials are responsible in causing loss to the company, and to take up required action in accordance with law or rules and to recover the loss caused to the company from those responsible officers or officials.

33) As already discussed above at the cost of repetition, I would like to say that this Authority has to follow the provisions as provided under Clause 27.03 (iv) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. Thereby, the findings given by the 1<sup>st</sup> Respondent in the impugned order are found correct and legal. Under these facts and circumstances of the case, the interference of this Authority is not required. With all these observations, I hold that the Appellant has not proved Point No. 1, hence it is answered in negative.

34) **Point No. 2:** - As per the discussions made herein above in Point No. 1, I proceed to pass the following order: -

## O R D E R

**No. OMB/B/G-433/2021/D-01**

**Dated: 12-01-2022**

The appeal filed by the Appellant/Complainant under Regulation 21.2 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004 is hereby dismissed.

The order passed by the First Respondent in case No. CGRF/32/2019-2020/05.08.2019, CP/CGRFBU/BWC/512-516 dated 29.04.2021 is hereby confirmed.

The office is directed to send certified copy of this order to both parties.

Further the office is directed to send a certified copy of this order to the Managing Director, BESCOM to take up necessary action as per observations made in Para 31 & 32 of the order and report the same.

Sd/-

(R. Sharada)

Electricity Ombudsman.

- 1) M/s. Rekhi Investments,  
#1136, 100 Feet Road,  
HAL 2<sup>nd</sup> Stage,  
Bengaluru – 560038.
- 2) Sri Nagaraju, Advocate,  
#11, “Anjanadri”, 2<sup>nd</sup> Block, 4<sup>th</sup> Cross,  
Ramanjaneyanagar,  
Chikkalasandra,  
Bengaluru-560 061.
- 3) The Managing Director,  
BESCOM,  
Corporate Office,  
K.R. Circle,  
Bengaluru-560001



- 4) The Chairperson,  
Consumer Grievance Redressal Forum/(CGRF)  
Bengaluru Urban District,  
BESCOM, West Circle,  
Basaveshwarnagar,  
Bengaluru – 560079.
- 5) The Assistant Executive Engineer (Elec.),  
O & M E-6 Sub Division, BESCOM,  
16<sup>th</sup> Main, Kodihalli, Indiranagar,  
Bengaluru – 560038.
- 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.