

BEFORE THE ELECTRICITY OMBUDSMAN

No. 16 C-1, Miller Tank Bed Area
Vasanthnagar, Bengaluru-560 052.

Present: S.S. Pattanashetti
Electricity Ombudsman

Case o.OMB/H/G-300/2018

.....

Abdulrasul A Girani,
C/o Tushar M.Baddi,
"Arihant Park"
Keshwapur,
Hubballi-580023.

:Appellant

VS

1. The Assistant Executive Engineer,
O & M City Sub-Division No.2,
HESCOM, Behind New English School,
Hubballi-580023
2. The Chairperson, CGRF, HESCOM,
Shivaganga Layout, Hubballi.

:Respondents.

This is an appeal filed by the complainant aggrieved by the communication of the Chairperson, CGRF, HESCOM, Hubballi asking the AEE City Sub-Division No-2, HESCOM, Hubballi to collect 50% of the back billing charges imposed on electrical installation RR No MP:3796 of the Complainant, and not to disconnect the meter for this dues until the disposal of the case. Complainant in the I.A filed before

this authority has stated that there is no such pre condition in the KERC (CGRF & Ombudsman) Regulation to collect 50% of the disputed amount. This CGRF acted in a manner prejudicial to the consumer by directing to deposit 50% of the disputed amount without any legal basis. The CGRF has acted contrary to the conditions prescribed under KERC (CGRF & Ombudsman) Regulations 2004, and its amendments.

The provisions regarding CORRECTNESS OF METER and METER NOT RECORDING are contained in Clause 27.00 and 27.04 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. There is no mention regarding depositing 50% of the back billing charges imposed on the consumer. Hence, the order of the chairperson, CGRF, Hescom, Hubballi is without jurisdiction and contrary to the provisions contained in the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka.

As per regulation 6.4 of the KERC(CGRF & Ombudsman) Regulations-2004, the Forum can pass such interim orders, pending final disposal of the case, as may appear to it to be necessary and just in the interest of justice. Regulations 8.2 & 8.3 of KERC (CGRF & Ombudsman) Regulations-2004 read as follows:

“ 8.2 The Proceedings of the Forum shall be conducted by the Chairperson of the Forum in the presence of the members, the Quorum being Two. In the absence of the Chairperson for any reason the member representing the licensee, shall preside over the Forum.

8.3 Every order made by the Forum shall be signed by its Chairperson and the members conducting the proceeding. Provided that in case of difference of opinion among the members on any point or points, the decision of the majority shall prevail ”.

The communication dated 18/08/2018 of the chairperson CGRF, HESCOM, Hubballi to the Assistant Executive Engineer, City Sub-Division, No-2, HESCOM, Hubballi states that AEE should collect 50% of the back billing charges and not to disconnect the installation till the final orders of the CGRF. As per Regulation-6.4 of KERC (CGRF & Ombudsman) Regulations-2004, the Forum has the right to pass interim orders pending disposal of the case. However as per Regulation-8.2 the proceeding of the Forum shall be conducted by the chairperson of the Forum in the presence of the members, the Quorum being Two. As per Regulation-8.3 every order made by the Forum, shall be signed by its chairperson and the Members conducting the proceeding. The impugned communication of CGRF dated 18/08/2018 suffers from provisions contained in Regulation-8.2 and 8.3.

The provision of paying 50% of the amount of demand before entertaining an appeal is contained in Section 127 of the Electricity Act 2003. In the KERC (CGRF and Ombudsman) Regulations 2004, there is no such provision. The Chairperson, CGRF, HESCOM, Hubballi has clearly exceeded his powers and passed the communication without application of mind.

Hence, following order.

NO.OMB/H/G/300/2018/1117.

Dated: 03-10-2018

ORDER

The communication of chairperson HESCOM, Hubballi, addressed to AEE, City Sub-Division, No-2, HESCOM, Hubballi dated 18/08/2018 is set aside. The matter is remanded back to the CGRF Hubballi to conduct the proceeding and pass necessary order strictly in accordance with the provisions of KERC (CGRF &

Ombudsman) Regulations 2004, and Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. The Licensee shall not disconnect the installation of the consumer till the CGRF passes final order.

Sd-

(S.S.Pattanashetti)

Electricity Ombudsman

1. Abdulrasul A Girani,
C/o Tushar M. Baddi,
"Arihant Park" Keshwapur,
Hubballi-580023.
- 2) The Assistant Executive Engineer, City Sub-Division No.2
HESCOM, T.B Road, Hubballi-24
- 3) The Chairman, CGRF, HESCOM,
Shivaganga Layout, Hubballi.
- 4) The Managing Director, Corporate Office, HESCOM, P.B Road,
Navanagar, Hubli-30
- 5) PS to Hon'ble Chairman, KERC
- 6) PS to Hon'ble Member (A), KERC
- 7) PS to Hon'ble Member (M), KERC
- 8) PS to Secretary, KERC