

BEFORE THE ELECTRICITY OMBUDSMAN
No. 16 C-1, Miller Tank Bed Area
Vasanthnagar, Bengaluru-560 052.

Present: S.S. Pattanashetti
Electricity Ombudsman
Case No.OMB/G/G-276/2017
Dated: 07-08-2018

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Shivarajappa
S/o Sharanappa Gowda
R/o.Nagadadinni village
Taluka: Deodurga,
Dist: Raichur
(Represented by Sri S.Mahaboob,
H.NO.13-2-2/195-I Arjunappa colony
Yeramarus Camp, Raichur-584135 : Appellant

VS

1. The Assistant Executive Engineer(Ele),
GESCOM, O & M Sub-Division, Devadurg
Raichur District
2. The Chairperson, CGRF, GESCOM,
Raichur. :Respondents.

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This is an Appeal filed under Clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders of CGRF, GESCOM, Raichur, District (herein after referred to as the 2nd Respondent) in case No.ಅಅ/ಉಲೆನಿ/ಹಿಆಸ/2016-17/4063-70 dated: 18-01-2017. The appellant has requested for payment of

compensation of Rs.1,50,200/- for the delay in giving electricity connection as per Standards of Performance (SOP). The CGRF in their order dated:18-01-2017 ordered for payment of Rs.200 per day of delay for total 131 days ie., from 04-08-2012 to 12-12-2012 amounting to Rs.26200/-. Respondent No.1 AEE in his letter dated:08-03-2017 submitted that the appellant has registered his application for electricity connection through licenced electrical contractor at section office on 04-07-2012 and after observing all formalities, work order was issued under No.RK-11763 on 05-07-2012. Suitable instructions were also issued to the licenced contractor to get a single-phase meter in the open market and get the same tested. This process in O & M Section and in Sub-Division office is necessary to comply with ESR provisions, and there was absolutely no delay on the part of the department in processing the said application and arranging power supply to the proposed installation. Sri Shivarajappa has not at all approached the Sub-Division office with necessary complaint if any as regards non-servicing of the installation. During this period, the installation was raided by the vigilance squad and they have booked cognizable case in crime No.1077/2012 dated: 16-12-2012 to pay Back Billing Charges(BBC) of Rs.23,280 and Sri Shivarajappa has paid Rs.15000/- as part payment of BBC on 25-04-2016. At this stage Sri Shivarajappa has taken shelter by filing this case and trying to pass on the responsibility on the Sub-Divisional officer for the delay of electricity

connection suppressing the actual facts, though the delay is because of internal problem with the contractor who actually carried out the wiring work and submitted the documents to the department for further action. He has further submitted that ignoring all these material evidence on record, CGRF who heard the case passed impugned order dated: 18-12-2012.

Representative of the appellant while refuting the comments of Respondent -1 AEE in his representation dated:07-08-2018 filed before this Authority has submitted as follows:

- “1. Sri Shivarjappa S/o Sharanappa Gouda R/o Nagadadinni village, Taluk Deodurga, Dist Raichur has registered application for lighting installation at Deodurga Sub-Division office on dated: 04-07-2012. It is not correct that application has registered through contractor. contractor is not a authorised person to register application and he has not signed the application form According to KERC Conditions of Supply of clause 4.02 i(l) application for supply of electricity shall be filed with the distribution licensee by the owner or occupier of the premises. And KERC COS clause 4.02 (3) “any assistance required for licensee. The licensee shall identify or nominate an official to provide such assistance”. Hence the question of application registered through contractor does not arise.
2. There is no ESR (Electricity Supply Regulations) are in force in Karnataka as stated. It is not correct that, the contractor has to get meter in the open market. Whatever differences between applicant & Contractor is not concerned to the GESCOM. It is the duty of the licensee (GESCOM) to verify whether meter has been brought or not by the applicant. It is not correct that meter purchased and kept with contractor for years together and on 28-8-2014 contractor has submitted the meter to office. As per KERC Clause -25.01 (d) in case the Licensee is not able to provide power supply to the consumers installation within the specified period for want

of meter, the Licensee shall permit the Consumer to supply the meter of approved type and specifications duly tested in the approved Laboratory.

If the applicant fails to avail power supply, the installation shall be deemed to have been serviced on the date of completion of the stipulated period. (As per KERC Clause-4.08 (1).

But GESCOM has not serviced the installation as deemed.

As per KERC Clause 4.06 b (i) Upon receipt of the contractor's completion cum test report along with actual wiring diagram and after intimation of the completion of service main work by the Applicant, the Licensee shall intimate to the Applicant the time and the day when the Licensee's Engineer proposes to inspect and test the installation. It shall then be the duty of the Applicant to ensure that, the Supervisor of the contractor employed by him is present at the time of inspection, to give licensee's engineer such information as may be required by him concerning the installation. On due compliance thereon by the Applicant, the engineer shall complete the inspection of applicant's installation.

But the licensee has not intimated the applicant in this regard.

As per agreement (3) meter has to be provided by the licensee. There is no rule in KERC that the meter has to purchase by the consumer. It is optional.

As per KERC(Duty of the Licensee to supply electricity on request)Reg-2004, 3-1 where supply of electricity does not require any extension of distribution mains, or commissioning of new substations, every distribution licensee shall, on receipt of an application give supply of electricity within one month of receipt of the application.

In this case no extension of distribution names is required. Hence, one month i.e., 30 days is correct.

3. It is not correct that, the meter and purchase invoice are with contractor and unable to process for arranging power supply. Shivarajappa approached the office several times for arranging power supply. And it is

not correct that the power supply shall be given only on complaint by the consumer. It is the duty of GESCOM to arrange electricity connection on application of the applicant.

4. It is true that, the installation was raided by the vigilance. It is not correct that, documents submitted by the contractor. As per KERC Clause 4.03 (ii)(d) "submit the contractor's completion-cum-test report along with the wiring diagram in duplicate". That means it is mandatory that the applicant shall submit the documents to the licensee not by the contractor. Contractor has no way concerned to submit the test report directly to the licensee. Applicant shall submit the documents. "

Notices were issued to both the parties to appear before this authority to putforth their arguments on 07-08-2018 vide letter No.OMB/G/G-276/2017/-1044 dated 10-07-2018.

This case was taken up for hearing on 07-08-2018. Representative of the appellant and Respondent -1 AEE, Deodurg were present. It is observed that the Respondent 1 AEE had also filed form 'B' before this authority on 08-02-2017, challenging the same order of CGRF, Raichur District. However, his Application in form 'B' was returned to him with an observation that only a consumer can approach the Ombudsman against the order of the CGRF as per Regulation 9.3 and 21.2 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004. Respondent 1 AEE has submitted that he has filed a Writ Petition before the Hon'ble High Court of Karnataka, Gulbarga Bench on 20-02-2017 in W.P.No.201617/2017 and the same is still pending before the Hon'ble

High Court, Gulbarga Bench. Further, he has produced status copy of the W.P. Representative of Appellant has filed his reply on 07-08-2018.

As the very same order challenged before this authority by the complainant is also challenged by the Respondent -1 AEE in the Hon'ble High Court of Karnataka, Gulbarga Bench, no purpose would be served in hearing this case till disposal of the W.P by the Hon'ble High Court of Karnataka, Gulbarga Bench.

No.OMB/G/G-276/2017/D-1070.

Dated: 07-08-2017

ORDER

In view of the above facts, the Appeal is disposed of reserving liberty to the appellant to file a fresh appeal before this Authority, after the disposal of W.P. by the Hon'ble High Court of Karnataka, Gulbarga Bench.

Sd/-

(S.S. Pattanashetti)
Electricity Ombudsman

- 1, Shivarajappa, S/o Sharanappa Gowda
R/o.Nagadadinni village, Taluka: Deodurg, Dist: Raichur
(Represented by Sri S.Mahaboob, H.NO.13-2-2/195-I Arjunappa colony
Yeramarus Camp, Raichur-584135
2. The Assistant Executive Engineer(Ele), GESCOM, O & M Sub-Division,
Deodurg, Raichuer District
3. The Chairperson, CGRF, and Superintending Engineer, O & M Circle
GESCOM, Raichur.
- 4.Tne Managing Director of all ESCOMS
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