

## 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-287/2017**

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Sri Suresh Y Korawar  
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-580024, (Represented by Advocate  
Sri H.V. Devaraju, No.39, Shop No.24,  
Mezzanine Floor, A,S,V,N,V, Bhavan  
K.G. Road, Bangalore-560 009.)
2. The Chairperson, CGRF, HESCOM, Hubballi,  
Dharwad District.

:Respondents.

...

This is an Appeal filed under Regulation 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the order of CGRF, HESCOM, Dharwad District, (herein after referred to as the 2<sup>nd</sup> Respondent, in

**case No: ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾ.ಕುಂ.ಕೊ.ನಿ.ವೇ/ಕಡತ-211/cys-271 dated: 31-05-2017.** The appellant has prayed to call for records, set aside and quash the impugned order of the CGRF, to consider the objection of the appellant seeking justice, in a just, fair, objective and dispassionate manner and to pass a reasoned speaking order on merits, direct the respondent licensee to strictly comply with the provisions of the Electricity Act 2003 and the relevant regulations specified thereunder and the Conditions of Supply of Electricity of the Distribution Licensees in the State of Karnataka specified by the Hon'ble Commission in recovering long pending arrears, direct the head of HESCOM to take appropriate action against the respondent individual under section 142 read with section 146 of the Act for his wilful disobedience of the regulations framed by the Hon'ble Commission and pass such other order to meet the ends of justice.

Both the Parties were informed vide letter No.OMB/H/G-287/2017/D-947 dated: 06-10-2017 regarding availability of provisions in Sub-Regulation 1 of Regulation 20 of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement through conciliation and mediation and to intimate the Ombudsman at the time of hearing on 25-10-2017. However, they have not availed the benefit of the said provision.

2<sup>nd</sup> Respondent in their order No: ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-  
1/ಗ್ರಾ.ಕುಂ.ಕೊ.ನಿ.ವೇ/ಕಡತ-211/cys-271 dated: 31-05-2017 has passed the  
following order:

“ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಗ್ರಾಹಕರ ಹೇಳಿಕೆ ಹಾಗೂ ನಿಗಮದ ಅಧಿಕಾರಿಗಳ ಹೇಳಿಕೆ  
ಮತ್ತು ಕಡತದಲ್ಲಿಯ ಕಾಗದ ಪತ್ರಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಕೆಳಕಂಡ ಮಾಹಿತಿ  
ಕಂಡು ಬರುತ್ತದೆ.

1. ಸ್ಥಾವರ ಸಂಖ್ಯೆ:MP-3114 ನೇದ್ದ ಸ್ಥಾವರವು ಮೆ:ಪ್ಲ್ಯಾಸ್ಟೋ ಪ್ಯಾಕ್ ಇಂಡಸ್ಟ್ರೀಸ್,  
ಹುಬ್ಬಳ್ಳಿ ಇವರ ಹೆಸರಿನಲ್ಲಿ 9.5 ಹೆಚ್.ಪಿ +240 ವ್ಯಾಟ್ಸ್ ಸಂಪರ್ಕಿತ ವಿದ್ಯುತ್  
ಭಾರದೊಂದಿಗೆ ದಿನಾಂಕ:18-07-1987 ರಂದು ಸಂಪರ್ಕಗೊಂಡಿರುತ್ತದೆ. ಸದರಿ  
ಸ್ಥಾವರದ ಮಾಪಕದ ಗಣಾಂಕವು ದಾಖಲಾಗಿರುವುದಿಲ್ಲವೆಂಬ ಕಾರಣಕ್ಕೆ ದಿನಾಂಕ:18-  
07-1987 ರಿಂದ 30-06-1992 ರವರೆಗೆ ಲೆಕ್ಕಾಧಿಕಾರಿ (ಆಂಪ) 12 ತಿಂಗಳ ವಿದ್ಯುತ್  
ಬಳಕೆಯ ಮೇಲೆ 1100 ಯೂನಿಟ್‌ಗಳ ಸರಾಸರಿಯಂತೆ ರೂ.72,328/- ಕಂದಾಯ  
ಕೊರತೆ ಮೊತ್ತವನ್ನು ಆಡಿಟ್ ಶಾರ್ಟ್ ಕ್ಲೇಮ್ ಎಂದು ಆಕರಿಸಿರುವುದು ಕಂಡು  
ಬರುತ್ತದೆ. ಇದನ್ನು ಪ್ರಶ್ನಿಸಿ ಗ್ರಾಹಕರು ಶೇ 25% ರಷ್ಟನ್ನು ಅಂದರೆ ರೂ.18,100/-  
ಪಾವತಿಸಿ ಕಂದಾಯ ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ದಿನಾಂಕ:13.05.1994 ರಂದು  
ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಸದರ  
ಪ್ರಕರಣವನ್ನು ವಜಾಗೊಳಿಸಿ ಗ್ರಾಹಕರಿಂದ ಬರಬೇಕಾದ ಹಿಂದಾಕರಣೆ ಮೊತ್ತದೊಂದಿಗೆ  
ಶೇ. 2ರ ಬಡ್ಡಿ ದರದಂತೆ ರೂ.68,905/- ದಂಡ ವಿಧಿಸಿ, ಒಟ್ಟು ಹಿಂದಾಕರಣೆ  
ಮೊತ್ತದೊಂದಿಗೆ ರೂ.1,22,919/- ಪಾವತಿಸಿಕೊಳ್ಳುವಂತೆ ಪ್ರಾಧಿಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:  
SEH/S-2/21330-36 ದಿನಾಂಕ:15.03.1999 ರಲ್ಲಿ ಆದೇಶಿಸಿರುವುದು ಕಂಡು  
ಬರುತ್ತದೆ.
2. ಸದರ ಪ್ರಕರಣದಲ್ಲಿ ದಿನಾಂಕ:18-07-1987 ರಿಂದ 30-06-1992 ರವರೆಗೆ ಅಂದರೆ  
ಸುಮಾರು 5 ವರ್ಷದಲ್ಲಿ ಸದರಿ ಸ್ಥಾವರದ ಗಣಾಂಕ, ಮಾಪಕ ಓದುಗರ ಗಮನಕ್ಕೆ  
ಬರಲಿಲ್ಲವೇ? ಸದರಿ ಸ್ಥಾವರ MNR ಆಗಿದೆ ಎಂದು ತಿಳಿಸಿದ್ದು, ಮಾಪಕ MNR  
ಆದ ಬಗ್ಗೆ ದೃಢೀಕೃತ ಪತ್ರವನ್ನು ಗ್ರಾಹಕರಿಗೆ ಪೂರೈಸಲಾಗಿದೆಯೇ? ಹಾಗೂ ಗ್ರಾಹಕರು

ಸದರ ಸಮಯದಲ್ಲಿ ಅಂದರೆ ಸುಮಾರು 5 ವರ್ಷದಲ್ಲಿ ಇಲಾಖೆಗೆ ವಿದ್ಯುತ್ ಶುಲ್ಕ ಪಾವತಿಸಲಿಲ್ಲವೇ? ಎಂಬೆಲ್ಲ ಪ್ರಶ್ನೆಗಳಿಗೆ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ (ವಿ),ರವರು ವೇದಿಕೆಯಲ್ಲಿ ಸ್ಪಷ್ಟಪಡಿಸಬೇಕೆಂದು ಗ್ರಾಹಕರು ವೇದಿಕೆಗೆ ವಿನಂತಿಸಿಕೊಂಡಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

3. ಸದರ ಪ್ರಕರಣದಲ್ಲಿ ಗ್ರಾಹಕರು ಮಾನ್ಯ ವಿದ್ಯುತ್ ಲೋಕಪಾಲಕರಲ್ಲಿ ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಮೇಲ್ಮನವಿಯನ್ನು ಪುರಸ್ಕರಿಸಿದ ವಿದ್ಯುತ್ ಲೋಕಪಾಲರು ಸದರಿ ಪ್ರಕರಣವನ್ನು ಸ.ಕಾ.ನಿ.ಇಂ ಇವರಿಗೆ ಮರು ವಿಚಾರಣೆ ಕೈಗೊಂಡು ನ್ಯಾಯಯುತವಾಗಿ ತೀರ್ಪನ್ನು ನೀಡಲು ಆದೇಶಿಸಿದ್ದು, ಸ.ಕಾ.ನಿ.ಇಂ (ವಿ)ರವರು ನಿಗಮದಿಂದ ಈ ಮೊದಲು ನೀಡಿದ ಆದೇಶವನ್ನೇ ಎತ್ತಿಹಿಡಿದಿರುತ್ತಾರೆಂದು ಗ್ರಾಹಕರು ಮಾನ್ಯ ವಿದ್ಯುತ್ ಲೋಕಪಾಲರ ಆದೇಶ ಮತ್ತು ಸ.ಕಾ.ನಿ.ಇಂ(ವಿ) ರವರ ಆದೇಶವನ್ನು ಲಗತ್ತಿಸಿ ಸ.ಕಾ.ನಿ.ಇಂ (ವಿ) ರವರು ಹೊರಡಿಸಿರುವ ಆದೇಶವನ್ನು ತಿರಸ್ಕರಿಸಿ ಗ್ರಾಹಕರಿಗೆ ನ್ಯಾಯಯುತ ತೀರ್ಪನ್ನು ನೀಡಬೇಕೆಂದು ವೇದಿಕೆಗೆ ವಿನಂತಿಸಿಕೊಂಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.

4. ಸ್ಥಾವರದ ಸಂಖ್ಯೆ: MP-3114 ನೇಯ ಸ್ಥಾವರವು ಮೆ:ಪ್ಲಾಸ್ಟೋ ಪ್ಯಾಕ್ ಇಂಡಸ್ಟ್ರೀಸ್, ಹುಬ್ಬಳ್ಳಿ ಇವರ ಹೆಸರಿನಲ್ಲಿ 9.5 ಹೆಚ್.ಪಿ+240 ವ್ಯಾಟ್ಸ್ ಸಂಪರ್ಕಿತ ವಿದ್ಯುತ್ ಭಾರದೊಂದಿಗೆ ದಿನಾಂಕ:18-07-1987 ರಂದು ಸಂಪರ್ಕಗೊಂಡಿದ್ದು, ಪ್ರಾರಂಭಿಕ ಗಣಾಂಕ (IR) 37900 ಇದ್ದು ದಿನಾಂಕ:30-06-1992 ವರೆಗೂ ಮಾಪಕದಲ್ಲಿ ಯಾವುದೇ ವಿದ್ಯುತ್ ಬಳಕೆ ದಾಖಲಾಗಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ದಿನಾಂಕ:30-06-1992ರಂದು MNR ಮಾಪಕವೆಂದು ಪರಿಗಣಿಸಿ ಲೆಕ್ಕಾಧಿಕಾರಿ (ಆಂ.ಪ)ರವರು ದಿನಾಂಕ:01-09-1992 ರಿಂದ 01-07-1993 ರವರೆಗೆ ದಾಖಲಾದ 12 ತಿಂಗಳ ವಿದ್ಯುತ್ ಬಳಕೆಯ ಸರಾಸರಿಯ ಮೇಲೆ 1100 ಯುನಿಟ್‌ಗಳ ಸರಾಸರಿಯಂತೆ ದಿನಾಂಕ:18-07-1987 ರಿಂದ 30-06-1992 ರವರೆಗೆ ರೂ.72,328/- ಕಂದಾಯ ಕೊರತೆ ಮೊತ್ತವನ್ನು ಕಂಡು ಹಿಡಿದಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಆಂತರಿಕ ಪರಿಶೋಧನೆಯ ವರದಿ ಮೇರೆಗೆ ರೂ.72,328/- ಹಿಂಬಾಕಿ ಆಕರಣೆ ಮಾಡಲಾಗಿದ್ದು, ಹಿಂದಾಕರಣೆ ಮೊತ್ತವನ್ನು ಆಕ್ಷೇಪಿಸಿ ಗ್ರಾಹಕರು ಹಿಂದಾಕರಣೆ ಮೊತ್ತದಲ್ಲಿ ಶೇ 25% ರಷ್ಟು ರೂ.18,100/-ಗಳನ್ನು ಪಾವತಿಸಿ ಮಾನ್ಯ ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಸದರ ಪ್ರಕರಣವು ತಿರಸ್ಕೃತಗೊಂಡು

ಹಿಂಬಾಕಿ ಮೊತ್ತ ರೂ.72,328/-ಕ್ಕೆ ಶೇ.2ರ ಬಡ್ಡಿದರದಲ್ಲಿ ರೂ.62,907/- ಬಡ್ಡಿ ವಿಧಿಸಿ ಒಟ್ಟು ರೂ.1,22,919/- ಗಳನ್ನು ಪಾವತಿಸಿಕೊಳ್ಳುವಂತೆ ಆದೇಶಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಗ್ರಾಹಕರಿಗೆ ರಿಜಿಸ್ಟರ್ ಪೋಸ್ಟ್ ಮೂಲಕ ನೋಟೀಸ್ ಜಾರಿಮಾಡಲಾಗಿದೆ. ಗ್ರಾಹಕರು ನೋಟೀಸ್‌ಗೆ ಸ್ಪಂದಿಸದ ಕಾರಣ ವಸೂಲಾತಿ ಕ್ರಮವಾಗಿ ದಿನಾಂಕ:20-02-1999 ರಂದು ಸ್ಥಾವರವನ್ನು ವಿದ್ಯುತ್ ನಿಲುಗಡೆಗೊಳಿಸಲಾಗಿರುತ್ತದೆ. ಅಷ್ಟೇ ಅಲ್ಲದೆ ಗ್ರಾಹಕರು ಬಾಕಿ ಪಾವತಿಸಲಾದ ಕಾರಣ ಉಪ ವಿಭಾಗದಿಂದ ಕಛೇರಿಯಿಂದ 'ಎ' ಮತ್ತು 'ಬಿ' ಫಾರ್ಮ್‌ಗಳನ್ನು ವಿತರಿಸಲ್ಪಟ್ಟಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.

5. ಸದರಿ ಸ್ಥಾವರದ ವಸೂಲಾತಿ ಪ್ರಕ್ರಿಯೆ ಚಾಲೂ ಸ್ಥಿತಿಯಲ್ಲಿದ್ದು ಹಾಗೂ ಸತತವಾಗಿ ಬಿಲ್ಲಿನಲ್ಲಿ ಮೊತ್ತವನ್ನು ತೋರಿಸುತ್ತಾ ಇದ್ದುದರಿಂದ ಈ ಪ್ರಕರಣದಲ್ಲಿ KERC Condition of supply ರ ಅನುಚ್ಛೇದ 29.09 ರ ಪ್ರಕಾರ (ವಸೂಲಾತಿಗೆ ಎರಡು ವರ್ಷಗಳ ಕಾಲಮಿತಿ) ಅನ್ವಯವಾಗುವುದಿಲ್ಲ ಸದರ ಪ್ರಕರಣವನ್ನು ಗ್ರಾಹಕರು ಓಂಬಡ್ಸ್‌ಮನ್ ಬೆಂಗಳೂರು ಇವರಿಗೆ ಅಪೀಲು ಸಲ್ಲಿಸಿದರು ಓಂಬಡ್ಸ್‌ಮನ್ ಆದೇಶನುಸಾರ ಎಲ್ಲ ದಾಖಲಾತಿಗಳನ್ನು ಮರು ಪರಿಶೀಲಿಸಿ, ಪ್ರಕರಣದ ವಿಚಾರಣೆ ಕೈಗೊಂಡು ಗ್ರಾಹಕರ ಮನವಿಯನ್ನು ಪುರಸ್ಕರಿಸಿರುವುದಿಲ್ಲ ಹಾಗೂ ಹಿಂದಾಕರಣೆ ಮೊತ್ತವನ್ನು ಪಾವತಿಸುವಂತೆ ಈ ಕಛೇರಿಯಿಂದ ಆದೇಶ ಹೊರಡಿಸಿರುವುದು ನಿಗಮದ ನಿಯಮಾನುಸಾರ ಸರಿ ಇದ್ದು, ಗ್ರಾಹಕರಾದ ಶ್ರೀ ಸುರೇಶ ವೈ. ಕೊರವರ ಇವರ ಸ್ಥಾವರಕ್ಕೆ ವಿಧಿಸಿರುವ ವಿದ್ಯುತ್ ಕಂದಾಯ ಮೊತ್ತವನ್ನು ನಿಗಮಕ್ಕೆ ಪಾವತಿಸುವಂತೆ ಆದೇಶಿಸಬೇಕೆಂದು ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ (ಎ) ಕಾ ಮತ್ತು ಪಾ ಉಪ ಶಹರ ವಿಭಾಗ-2, ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿರವರು ವೇದಿಕೆಗೆ ವಿನಂತಿಸಿಕೊಂಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.

ಮೇಲಿನ ಎಲ್ಲ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಮಾನ್ಯ ವಿದ್ಯುಚ್ಛಕ್ತಿ ಲೋಕಪಾಲಕರ ಆದೇಶ ದಿನಾಂಕ:13.05.2016ರ ಅನ್ವಯ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ (ಎ), ಕಾ ಮತ್ತು ಪಾ ಉಪ ವಿಭಾಗ-2, ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿರವರು ದಿನಾಂಕ:25.08.2016 ರಂದು ಗ್ರಾಹಕರೊಂದಿಗೆ ವಿಚಾರಣೆ ಕೈಗೊಂಡು ಗ್ರಾಹಕರ ಮನವಿಯನ್ನು ಆಲಿಸಿ, ಆದೇಶ ಸಂಖ್ಯೆ:2678-79, ದಿನಾಂಕ:25-08-2016ನ್ನು ಹೊರಡಿಸಿ, ಗ್ರಾಹಕರಿಗೆ ಹಿಂಬಾಕಿ ಮೊತ್ತವನ್ನು ತುಂಬುವಂತೆ ಆದೇಶಿಸಿರುವುದು KERC Condition of supply ಅನುಚ್ಛೇದ 29.08 ರ ಅನ್ವಯ

ನಿಯಮಾನುಸಾರ ಸರಿ ಇರುತ್ತದೆ. ಆದ್ದರಿಂದ ಸದರಿ ಸ್ಥಾವರದ ಹಿಂಬಾಕಿ ಮೊತ್ತವನ್ನು ಗ್ರಾಹಕರು ಕಂಪನಿಗೆ ಪಾವತಿಸಲು ಬಾಧ್ಯಸ್ಥರಾಗಿರುತ್ತಾರೆ.

**ಆದೇಶ ಸಂಖ್ಯೆ:ಅಇಂ(ಎ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-211/CY5-271,**

**ದಿನಾಂಕ:31.05.2017**

ಗ್ರಾಹಕರ ಕುಂದು ಕೊರತೆ ನಿವಾರಣಾ ವೇದಿಕೆಗೆ ಆದೇಶ ಸಂಖ್ಯೆ ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಟ/13-14/ಸಿವೈಎಸ್-769 ದಿನಾಂಕ:16.07.2013 ರನ್ವಯ ಹಾಗೂ ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಟ/14-15/ಸಿವೈಎಸ್-2597 ದಿನಾಂಕ:30.01.2014 ಮತ್ತು ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಟ/15-16//ಸಿವೈಎಸ್-2296 ದಿನಾಂಕ:06.10.2015 ರನ್ವಯ ದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ ಈ ಕೆಳಗಿನಂತೆ ಆದೇಶಿಸಲಾಗಿದೆ.

1.ಗ್ರಾಹಕರ ಮನವಿಯನ್ನು ಪುರಸ್ಕರಿಸಲಾಗುವುದಿಲ್ಲ.

2.ಕಂಪನಿಯು ವಿಧಿಸಿರುವ ಹಿಂದಾಕರಣೆ ಮೊತ್ತವನ್ನು ಗ್ರಾಹಕರು ಪಾವತಿಸುವುದು”.

Respondent No.1 AEE in the written submission made before this authority on 20-08-2018 submitted that the installation bearing RR No.RMP 3114 was serviced on 18/07/1987 in the name of M/s. Plasto Pack Industries, Gandhinagar, for a sanctioned load of 9.5 HP+240 Watts, Meter was fixed with 3 X 25 Hams and the initial meter reading was 37900 units and however, the said meter was not recorded up to 30/06/1992, but the consumer had been paid only fixed charges as per the tariff and therefore the meter was replaced and fixed new meter on 30/06/1992. The new meter reading recorded 0001 units and when the matter stood thus in the year 1993 the accounts officer audited the ledger extract consumption of the installation consumed by the consumer and thereby the consumption recorded in the new meter for one year from 01/09/1992 to 01/07/1993 is 13200 units and the average consumption was considered as 1100 units per month and raised a

demand from 18/07/1987 (the date on which the installation was served) to 30/06/1992(the date on which the meter was replaced) required to pay a sum of Rs.72,328/-

The aggrieved party had filed an appeal before the appellate authority under Regulation 46.01 of the then KEB Regulation 1988, by depositing sum of Rs.18,100/- being 25%. The Appellate Authority after holding enquiry dismissed the appeal on 15/03/1993 holding that the appellant is liable to pay the back billing charges of Rs.72,323/- and further directed the supply company to collect back billing charges along with the regular bills and interest duly deducting the amount already paid and the order of the Appellate Authority is reached finality and thus the appellant is liable to pay the back billing demand amount with interest as per the order dated 15/03/1999.

Further the Respondent No.1 AEE submitted that in the meanwhile the said installation was disconnected on 20/02/1999 on account of non-payment of regular consumption charges and therefore after dismissal of the Appeal by the Appellate Authority, Respondent No.1 AEE made a demand with a request to pay the amount as per the order of the Appellate Authority, even though number of letters were sent they have not paid the back billing charges and interest and when the matter stood thus in the year 2012 the subject matter was earlier within the jurisdiction of the rural division and same has been transferred to City Sub-Division -2 and therefore notices were served to the partners with a demand to pay the back billing charges with interest and even despite repeated demand the amount has not been paid and therefore non-

payment of the back billing charges the Respondent No.1 AEE initiated proceedings under the provisions of the recovery and issued a Form-A dated: 20/09/2014 and Form B dated 29/10/2014 and after issuance of Form A and B in order to issue Form-C the Respondent No.1 secured the extract of the property ;and when the Respondent No.1 is in procuring the documents and in the mean while the appellant submitted a letter dated 22/04/2015 with a request to restore power supply in respect of the installation bearing RR No. RMP No.1193 which is not the subject matter.

Respondent No.1 AEE further submitted that in so far as his right to recover the amount outstanding before providing power supply in respect of the same premises is concerned that the Respondent No.1 has every right to recover the arrears before providing power supply in view of the provisions of the Regulation 4.34 of the K.E.B. supply Regulations,1988 which reads as follows:-

“If any person desires to have electricity for a premises for which the power supply agreement has been terminated (whether the service line is dismantled or not ), he will be treated as a fresh consumer and the Board reserves the right to collect the outstanding arrears from such person before connection is given”.

Further it is seen that when the appellant had filed an appeal before the Ombudsman, the Ombudsman vide No.OMB/H/G-233/2015 passed orders on 13-05-2016 as follows:

“The appeal is partly allowed and order of the CGRF dated: 17-11-2015 is set aside. The matter is remanded back to the concerned AEE to consider the matter afresh after providing an opportunity of hearing to the

appellant and pass appropriate orders as per law.”

Respondent No.1 AEE after providing an opportunity to the appellant as per the above order has passed orders on 25/08/2016 holding that the appellant is liable to pay the arrears with interest and aggrieved by this the appellant has again filed a complaint before the CGRF praying for grant of fresh power supply to his premises and to direct the licensee to withdraw the disputed arrears. The CGRF after holding an enquiry passed orders on 31-05-2017 rejecting the complaint and directed the appellant to pay the arrears with interest and therefore the appellant has now come before this authority.

Further he has submitted that in the similar circumstances the Hon'ble High Court in number of cases which have been produced along with memo and the Hon'ble High Court held that the supply company is entitled to recover the arrears either to new connection and or to restore power supply and therefore the present case on hand is very clear that the back billing was issued due to non-recording the meter and the said demand was challenged before the appellate authority and the appellate authority its order dated 15/03/1999 was clearly held that the appellant is liable to pay the back billing demand with interest and the same has been reached finality and even during pendency of The appeal the installation RMP 3114 was disconnected on 20/02/1999 due to non-payment of regular consumption charges and therefore the appellant is not entitled to seek reconnection and or new connection without payment of arrears with interest as such the order of the CGRF was in order and there is no illegal or arbitrary in order while dismissing the complaint filed by the complainant.

Notices were issued to both the parties vide this office letter No.OMB/H/D-1029/2018 dated 03/07/2018 to appear before this authority on 10-07-2018 to put forth their argument. On the e-mail request of the representative of the appellant dated 07-07-2018, the case was posted to 31<sup>st</sup> July 2018.

Case called on 31<sup>st</sup> July 2018. Appellant and his representative present. Respondent No.1 AEE, City Sub-Division-2, HESCOM, Hubli along with his advocate present.

**Brief facts of the case are as follows:**

In premises of this case RR No. RMP 3114 was sanctioned to one Sri A.A. Ballari, Partner, Plasto Pack Industry on 18-07-1987(LT-5, industrial power). On 15-02-1991 the property ownership was changed from Sri A.A. Ballari to Sri Y.C. Korawar. On the demise of Sri Y.C. Korawar on 30-03-1991 Sri Suresh Yellappa Korawar became the owner. The department noticed in July 1992 that the electric meter was not running. On 30-06-1992 meter was changed. Based on the monthly usage shown in the new meter back billing charges of the earlier meter was claimed, amounting to Rs.72,320/-. The consumer, as per the KEB Electricity Supply Regulations 1988 Regulation 46 filed appeal before Superintending Engineer on 13-05-1994, by depositing Rs.18,100/- being 25% of the Back Billing Charges (BBC). On 15/03/1999 the Appellate Authority Superintending Engineer ordered that BBC along with 2% interest duly deducting the amount already paid should be collected from the consumer. Notices sent to occupier returned unserved /door locked. On 20/02/1999 installation was disconnected. In 2012, file was handed over to City Sub-Division from Rural Sub-Division. In 2012 notice was sent to 5 partners of Plasto Pack Industry to pay the Back Billing

Charges (BBC) along with interest. Form 'A' as per Revenue Recovery Proceedings was issued on 20/09/2014, 'B' Form was issued on 29/10/2014. 'C' Form could not be issued as property was not in the name of the partners.

On 22/04/2015 the owner of the premises Sri Suresh Korawar – appellant filed an application for reconnection. The licensee asked him to pay BBC along with interest. Appellant went before CGRF, Hubballi and filed complaint. CGRF in their order dated 17/11/2015 rejected the complaint of the appellant, directing him to pay the BBC along with interest. This order was challenged before Ombudsman. The Ombudsman on 13/05/2016 passed order remanding the matter to AEE to reconsider the matter afresh. On 25/08/2016 AEE ordered that BBC charges along with interest should be paid. This was again challenged before the CGRF, Hubballi. On 31-06-2017 CGRF again rejected the complaint and asked the complainant to pay the claims of the department. Challenging this order of the CGRF, the complainant filed the present appeal before this authority.

Examined the written statement of objections filed by the Respondent No.1 and the written reply filed by the representative of the appellant, and the documents submitted by both the parties, along with their oral arguments.

The provisions regarding recovery of the amount outstanding before providing supply in respect of the same premises are governed

by Clause 4.09(iv) of KERC(Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka) which reads as follows:

**“4.09 GENERAL**

- iv) If any person desires to have electricity for a premises for which the power supply Agreement has been terminated (whether the service line is dismantled or not) he shall be treated as a fresh Applicant and the Licensee shall collect the outstanding arrears in respect of the said premises from such person before connection is given.”

There are several court rulings which have held that the Supply Company is entitled to recover the arrears either to new connection and or to restore power supply.

The contention of the Appellant that the restoration of power supply for the previous RR No RMP 1193 cannot be linked to the dues of M/s. Plasto Pack Industries is not correct, and hence cannot be accepted. In view of the foregoing paras I proceed to pass the following

NO.OMB/H/G-287/2017/D-1111/2018

Dated: 13/11/2018

ORDER

Appeal is dismissed.

Sd/-

(S.S.Pattanashetti)  
Electricity Ombudsman

1. Sri Suresh Y Korawar 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) Sri H.V. Devaraju, No.39, Shop No.24,  
Advocate, Mezzanine Floor, A,S,V,N,V,Bhavan  
K.G. Road, Bangalore-560 009.
- 4) The Chairman, CGRF, HESCOM,Dharwad  
District, Hubballi.
- 5) The Managing Director, Corporate Office, HESCOM,P.B Road,  
Navanagar,Hubli-30
- 6) PS to Hon'ble Chairman,KERC
- 7) PS to Hon'ble Member (A),KERC
- 8) PS to Hon'ble Member(M),KERC
- 9) PS to Secretary, KERC