

BEFORE THE ELECTRICITY OMBUDSMAN

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

Vasanathanagar, Bengaluru-560 052

Present: S.S. Pattanashetti

Electricity Ombudsman

Case No.OMB/B/G-297/2018

Dated: 19-07-2018

Sri M.S. Gnanasambandan
No.2814, 5th B Cross,
18th Main,HAL 2nd Stage
Bangalore-560 038

: Appellant

VS

1.The Assistant Executive Engineer (Ele)
E-6 Sub-Division, BESCO,
No.16 CA Site, 16th "C" Main Road
HAL 2nd Stage, Kodigehalli,
Bangalore-560 0938.

2.The Chairman,
Consumer Grievance Redressal Forum
Bangalore Urban District, BESCO,

: Respondents

This is an Appeal filed under Clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders of CGRF, BESCO, Bangalore Urban District (herein after referred to as the 2nd

Respondent) in case No.CGRF 192/2012/2334-39 dated:18-03-2013. The Appellant sought interim relief for staying the operation of the order dated:18-03-2013 of the CGRF in the interest of justice, among other reliefs.

Notices were served on both the parties to appear before this Authority on 19-07-2018 at 3.00 p.m. to put forth their arguments vide this office letter No.OMB/B/G-297/2018/D-1037/2018 dated 09-07-2018.

This case is taken up for hearing on 19-07-2018. The Appellant is present. Respondent AEE absent. This is a case where CGRF in their order dated:18-03-2013 dismissed the complaint of the appellant as not maintainable. This order of CGRF is now challenged before this Authority. The Respondent has levied back billing charges of Rs.92,108/- on the Appellant alleging that domestic tariff LT – 2A is being misused for commercial purpose which falls under LT – 3 tariff.

As per Regulation 2(g)(1) of Karnataka Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, grievance falling within the purview of unauthorised use of electricity as provided under Section 126 of the Electricity Act 2003 are excluded from the jurisdiction of the CGRF. The order of Respondent-1, AEE dated: 30-11-2012 clearly states that

the back-billing charges are levied as per Section 126 of the Electricity Act 2003. It is this order which has been challenged by the Appellant before the CGRF, in his complaint.

As the CGRF does not get jurisdiction over cases where complaints arise from Section 126 of the Electricity Act 2003, it is right in dismissing the complaint. As CGRF is barred from entertaining complaints with regard to misuse of power under Section 126 of the Electricity Act 2003, the Ombudsman also does not get any jurisdiction over the appeal filed before this Authority.

Hence the appeal is dismissed on the ground of lack of jurisdiction of this Authority.

Sd/-
(S.S. Pattanashetti)
Electricity Ombudsman.

TO:

1. Sri M.S. Gnanasambandan, 2814, 5th B Cross, 18th Main, HAL 2nd Stage Bangalore -560 038.
- 2 The Assistant Executive Engineer(Ele), No.E-6 Sub Division, BESCO, No.16b C.A. Site 16th C Main Road HAL 2nd Stage, Kodihalli, Bangalore-560 038.
- 3.The Chairman, Consumer Grievance Redressal Forum, Bangalore Urban District, CA Site No.05, West of Chord Road, 3rd Stage, Bhima Jyothi, HBCS Layout Next to Chord Hospital, Basaveswaranagar, Bangalor44
4. The Managing Directors of all ESCOMS
5. PS to Hon'ble Chairman,KERC
6. PS to Hon'ble Member (A),KER
- 7 PS to Hon'ble Member (M),KERC
- 8.PS to Secretary.