

BEFORE THE ELECTRICITY OMBUDSMAN
No. 16 C-1, Miller Tank Bed Area (Behind Jain Hospital)
Vasanthnagar, Bangaluru-560 052.

Present: S.S. Pattanashetti
Electricity Ombudsman

Case No.OMB/H/G-171/2014

Dated: 31-07-2018

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G.M Chatkondi
C/o Tushar M.Baddi,
M/s. Madhur Enterprises,
Near S.B.I. Keshwapur, : Appellant.
Hubballi.

VS

1. The Assistant Executive Engineer,
HESCOM, O & M City Sub-Division
Industrial Estate Gokul Road
Hubballi-30(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,
Hubballi. :Respondents.

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This is an Appeal filed under Clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the order of CGRF, HESCOM, Hubballi (herein after referred to as the 2nd Respondent), in case No:ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-135/16365-68, dated: 29-03-2014. The appellant has sought refund of ACC and MSD amount along with compensation as per Regulation No.14 of KERC (Licensees Standards of Performance) Regulations 2004 and interest accumulated from the date when the ACC and MSD amounts were remitted to the Licensee till the date of application with cost.

2nd Respondent in the impugned order has partially allowed the application of the appellant and ordered for refund of Rs.17,120/- to the complainant being the deposit amount. It has further ordered to raise a demand for Rs.19,965/- due to the company and after payment of the final consumption bill by the consumer, and since concerned employees did not give written statement as to the existence of the installation in the consumer premises itself, to recover 75% and 25% of the same from the concerned section officer and the case worker dealing with temporary connection account respectively. It has also said that no penalty for delay is ordered to be paid to the appellant since the application for refund of deposit amount is belated by seven years.

Notices were issued to both the parties vide this office letter No.OMB/H/D/1042/2018 dated 11-07-2018 to appear before this Authority on 31-07-2018, and putforth their arguments.

This case was taken up for hearing on 31-07-2018 before this Authority. Advocate for appellant and Advocate for Respondent both were present. Advocate for Respondent filed a memo stating that CGRF's order dated: 29-03-2014 has been challenged by them in Writ Petition No.22061/2014 before the Hon'ble High Court of Karnataka. The Hon'ble High Court has granted interim stay on 22-05-2014.

When the Respondent has challenged the CGRF order in Writ Petition and Hon'ble High Court of Karnataka has stayed the CGRF order and the interim order of stay is still in force, no purpose would be served in hearing the present case.

NO. OMB/H/G-171/2014/D-1062

Dated 31-07-2018

ORDER

Hence, the case is disposed of in view of the fact that the same order is under challenge before the Hon'ble High Court of Karnataka.

Liberty is given to the appellant to file fresh complaint after disposal of the Writ Petition, pending before the Hon'ble High Court.

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

To:

- 1) G.M. Chatkondi C/o Tushar M.Baddi, M/s. Madhur Enterprises, Near S.B.I. Keshwapur,Hubli
- 2) The Assistant Executive Engineer, HESCOM, Industrial Estate Gokul Road,Hubballi-30
- 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, Hubballi.
- 5) The Managing Directors of all ESCOMS
- 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