

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-234/2015

Dated: 31-07-2018

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M/s Advance Die Cast
C/o Tushar M.Baddi,
M/s. Madhur Enterprises,
Near S.B.I. Keshwapur, : Appellant.
Hubballi.

VS

1. The Assistant Executive Engineer,
HESCOM, 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. :Respondent.

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This is an Appeal filed under Clause 21.02 of KERC (CGRF & Ombudsman)
Regulations, 2004 against the orders of CGRF, HESCOM, Dharwad District

(herein after referred to as the 2nd Respondent) in case No. ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-174/8445-48 dated: 17-11-2015. The appellant has requested to (1) direct the Respondent to award bank interest from the date of collecting the excess amount till the date of refund, and (2) award 2% interest per month for total number of months delayed with cost as per Clause 29.08 of Conditions of Supply of Electricity of the Distribution Licensees in the State of Karnataka. Both the Parties were informed vide letter No.OMB/H/G-234/2015 dated: 19-01-2015 regarding the availability of provisions in Sub-Regulation 1 of Regulation 20 of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement through conciliation and mediation. However, they have not availed the benefit of the said provision.

2nd Respondent in his order No:ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-174/8445-48 dated: 17TH November 2015 has partially allowed the application of the appellant and ordered for payment of penalty of Rs.50/- per day of delay in refund of amount to the appellant and to recover the same from the officers/officials responsible for such delay.

Notices were served on both the parties to appear before this Authority on 31-07-2018 vide this office letter No.OMB/H/D-1042/2018 dated: 11-07-2018 to put forth their arguments.

This case was taken up for hearing on 31-07-2018. Advocate for Appellant and Advocate for Respondent-1 both were present. Advocate for Respondent-1 filed a memo stating that CGRF order challenged before this Authority in the present case has been challenged by them in W.P No.101744/2016 before the Hon'ble High Court of Karnataka and the Hon'ble

High court has granted interim stay on 08-03-2016. Appellant's complaint in this case is that CGRF has partly allowed the complaint and not fully, hence he has filed this case.

When the Respondent-1 has challenged the CGRF order in W.P and Hon'ble High Court of Karnataka has stayed the CGRF order, no purpose would be served in hearing this case before this Authority.

No.OMB/H/G-234/2015

31-07-2018

ORDER

In view of the fact that the same order is under challenge before Hon'ble High Court of Karnataka, this Case is disposed of reserving liberty to the appellant to file fresh complaint after disposal of the Writ Petition pending before the Hon'ble High Court.

Order pronounced in open court.

Sd/-

(S.S.Pattanashetti)

Electricity Ombudsman.

To:

- 1) M/s. Advance Die Cast
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

