

**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/B/G-286/2017**

**Dated: 31-07-2018**

M/s Maruthi Aluminium Pvt Ltd.,

Rept. by its Director Sri K. Ramesh

S/o Sri M. Krishnappa, No.3/4, Dubasipalya

R.V College Post, Kengeri Hobli,

Bangalore-560 059.

: Appellant

VS

1. The Managing Director

BESCOM, Head Office, K.R.Circle

Bangalore-560 001.

2. The Executive Engineer (Ele)

Kengeri Division, BESCOM,

BMTC Bus Stand, Kengeri,

Bangalore-560 060.

3. The Assistant Executive Engineer (Ele)

K-1 Sub Division, BESCOM, 1<sup>st</sup> Floor

BMTC Bus Stand Kengeri

Bangalore-560 060.

4. The Chairman,

Consumer Grievance Redressal Forum

Bangalore Urban District, BESCOM

: Respondents

This is an Appeal filed under Clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders of CGRF, BESCO, Bengaluru Urban District (herein after referred to as the 2<sup>nd</sup> Respondent) in case No: ಗ್ರಾ.ಕು.ಕೊ.ನಿ.ವೇ/29/2014-15/ಅಧ್ಯಕ್ಷರು/ಪವ್ಯ/5119-24, dated: 19-12-2014. The appellant has requested (a) to set aside the impugned order passed by CGRF, Bangalore City in Case No: ಗ್ರಾ.ಕು.ಕೊ.ನಿ.ವೇ/29/2014-15/ಅಧ್ಯಕ್ಷರು/ಪವ್ಯ/5119-24, dated:19-12-2014 and further to set aside impugned bill for the months of April & May 2014 issued by the third Respondent dated 01-06-2014 and thereby rectify the error & to consider the representation dated: 25/06/2014 and (b) pass such other order/s which is deemed to be fit in the nature and circumstances of the case, in the interest of justice and equity. After hearing the appeal of the appellant, the order dated:29-12-2014 of the Assistant Executive Engineer wherein the appellant has been asked to pay electricity bill of Rs.2,62,503 within 7 days, failing which power will be disconnected, has been stayed and ordered to maintain statusquo till the disposal of the case by this Authority vide this office letter No.OMB/B/G/286/2017/D925 dated 22-08-2017.

The Appellant is running an industry to carry on the business of manufacturing aluminium window panes, partition fabrics etc. The Appellant states that his industry consumed monthly units of power from 1<sup>st</sup> July 2012 to 1<sup>st</sup> April 2014, ranging from 901 units to 1981 units. The Appellant did not receive the bill for the month of April

2014, but all of a sudden in the month of June 2014 he received electricity bill for a sum of Rs.2,62,503 mentioning billing period as 01-04-2014 to 01-06-2014. The appellant says that consumption of power shown in the bill is unrealistic and there is a possibility of mistake having been committed by the meter reader. The appellant gave representation to the Respondent along with previous bills and receipts and requested to rectify the error bill issued for the month of April and May 2014. He also paid to the Respondent Rs.25,000- through cheque to avoid disconnection of power. In spite of that the Respondent-3 has disconnected the power supply. The appellant preferred Writ Petition before the Hon'ble High Court of Karnataka vide W.P. No.34054/2014. After hearing, the Hon'ble High Court of Karnataka dismissed the W.P. on 25-07-2014 reserving liberty to the appellant to approach the competent court for necessary reliefs.

Thereafter, the appellant filed a complaint vide complaint No.29/2014-15 before the Respondent No.4,CGRF, Bangalore Urban District. The Respondent No – 4 based on the oral submissions made by Respondent – 3 AEE stating that, the meter reader instead of taking CKWH and BKWH reading has taken TOD zone-1 (Time of Day-1) and wrongly recorded CKWH reading and prepared the bill and the meter testing division in their report dated 7-5-2014, have reported that the meter is in proper condition and power consumption is being

recorded properly, have in their order No: ಗ್ರಾ.ಕು.ಕೊ.ನಿ.ವೇ/29/2014-15/ಅಧ್ಯಕ್ಷರು/ಪವ್ವ/5119-24, dated:19-12-2014 dismissed the complaint.

Aggrieved by the CGRF order No ಗ್ರಾ.ಕು.ಕೊ.ನಿ.ವೇ/29/2014-15/ಅಧ್ಯಕ್ಷರು/ಪವ್ವ/5119-24 dated:19-12-2014 the appellant preferred a writ petition challenging the order passed by the CGRF and also demand notice issued by 3<sup>rd</sup> Respondent AEE, in W.P.No.1332/2015. The Hon'ble High Court of Karnataka disposed the W.P. on 11-07-2017 with direction to the appellant to file appeal before the Ombudsman within 6 weeks from the date of order.

Accordingly, the appellant has filed Appeal before this Authority on 18-08-2017. This Authority, vide its order No:OMB/B/G-286/2017/D-925 dated 22-08-2017 has stayed the order of AEE dated 29-12-2014 mentioning to pay R.2,62,503 failing which power will be disconnected, and further ordered to maintain statusquo.

Notices were issued to both the parties on 09-04-2018, to appear before this Authority on 23-05-2018, and putforth their arguments. Further notices were issued on 23-05-2018 and 03-07-2018 to appear on 05-06-2018 and 12-07-2018 respectively.

This case was taken up for hearing on 12-07-2018, 13-07-2018, 16-07-2018 and on 20-07-2018. Appellant and his Advocate and Respondent-3 AEE and his Advocate were present. Written and oral submissions made by the Advocates for the Appellant and

Respondent-3 AEE have been perused. Advocate for Respondent -3 AEE on 20-07-2018 submitted along with ledger extract showing the power consumption by the Appellant for the months from April 2011 to July 2018 except for the period from November 2012 to April 2013. He has also filed 4 citations with memo. Advocate for Appellant has also submitted the consumption charges from April 2013 to June 2018, and ledger statement showing payment made towards power consumption. On perusal of the bills produced by both the parties it is observed that prior to May 2014, ie., the month when the disputed bill was raised, for one year ie, May 2013 to April 2014 monthly average consumption of power is 1212.5 units. Average consumption for one year after May 2014 ie., from June 2014 to May 2015 is 532.72 units. For the disputed period the consumption charges is shown as 39870 units. The maximum consumption of power for any month during the period from May 2013 to April 2014 is 1460 consumed in the month of Month of May 2013 and the maximum consumption of power for any month during the period from June 2014 to May 2015 is 890 consumed in the month of September 2014.

If the contention of the Respondent – 3 AEE that the meter reader has committed a mistake while reading the meter for earlier months is to be accepted, then for the period after June 2014, the units of power consumption should be very high, on the contrary it has gone down, averaging to 532.72 units per month.

Respondent – 3 who was present at the time of hearing is unable to explain as to why and how the average reading which was 1212.5 units one year prior to May 2014 and 532.72 units one year after May 2014 showed 39870 units consumption for the months of April, May 2014. Respondent- 3 also agrees that the unit of the appellant is not closed but a running unit manufacturing the goods.

The Appellant in his Appeal memo has stated that his industry consumed monthly units from 1<sup>st</sup> July 2012 to 1<sup>st</sup> April 2014 ranging from 901 units to 1981 units. Assuming that the appellant has consumed the maximum of the above power units, Respondent would not be justified in levying consumption of more than 1981 units for each of the months of April and May 2014.

NO.OMB/B/G/286/2017/D- 1069

31-07-201

### ORDER

In view of the above facts, the order of Respondent No.4 CGRF, Bangalore Urban District bearing No. ಗ್ರಾ.ಕು.ಕೊ.ನಿ.ವೇ/29/2014-15/ಅಧ್ಯಕ್ಷರು/ಪವ್ಯ/5119-24 dated:19-12-2014 and the bill dated 01-06-

2014 of Respondent No.3 AEE are set aside. Respondent No-3 AEE is ordered to issue fresh bill for 1981 units per month for each of the months of April and May 2014.

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

TO:

- 1) M/s Maruthi Aluminium Pvt Ltd., Rep by its Director Sri K. Ramesh  
S/o Sri M. Krishnappa, No.3/4, Dubasipaly, R.V College  
Post,Kengeri Hobli, Bangaluru-560 059.
- 2)The Assistant Executive Engineer (Ele) , BESCO, Bangaluru South  
Circle, Kenchapura Cross, Kengeri Division Bangaluru-560060
- 3)The Chairperson, Consumer Grievance Redressal Forum  
Bangalore Urban District,BESCO, West Zone, Basaveswarnagar,  
Bangaluru-560 079.
- 4) The Managing Directors 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

