

# ಹುಬ್ಬಳ್ಳಿ ವಿದ್ಯುತ್ ಸರಬರಾಜು ಕಂಪನಿ ನಿಯಮಿತ

(ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಂಪೂರ್ಣ ಸ್ವಾಮ್ಯಕ್ಕೆ ಒಳಪಟ್ಟಿದೆ)

ಅಧೀಕ್ಷಕ ಅಭಿಯಂತರರು(ವಿ)

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## ಗ್ರಾಹಕರ ಕುಂದುಕೊರತೆಗಳ ನಿವಾರಣೆ ವೇದಿಕೆ

ಕಾರ್ಯ ಮತ್ತು ಪಾಲನೆ ವೃತ್ತ, ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿ, ಧಾರವಾಡ ಜಿಲ್ಲೆ

ಪ್ರಕರಣ ಸಂಖ್ಯೆ:234

ವೇದಿಕೆಯ ಸದಸ್ಯರು:

ಶ್ರೀ ಎಮ್. ಆರ್. ಶಾನ್ಭಾಗ, ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರ(ವಿ)ಕಾಮತ್ತು ಪಾ ವೃತ್ತ ಹೆಸ್ಕಾಂ ಹುಬ್ಬಳ್ಳಿ ಹಾಗೂ ವೇದಿಕೆಯ ಅಧ್ಯಕ್ಷರು.

ಶ್ರೀ ರಾಮಪ್ಪ. ಎನ್. ಎನ್, ಉಪಲೆಕ್ಕ ನಿಯಂತ್ರಣಾಧಿಕಾರಿ ಕಾ ಮತ್ತು ಪಾ ವೃತ್ತ, ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿ ಹಾಗೂ ವೇದಿಕೆಯ ಸದಸ್ಯರು.

ಶ್ರೀಮತಿ, ಲೀಲಾ ಆರ್ ಹಿರೇಮಠ, ವಕೀಲರು, ಆಯೋಗದಿಂದ ನಿಯೋಜಿಸಲಾದ ಸದಸ್ಯರು.

ಶ್ರೀ ಆನಂದ ಪುರಾಣಿಕ್,

(R.R.No:MP-16172)

C/o, ತುಷಾರ ಎಂ ಬದ್ಡಿ,

ಅರಿಹಂತ ಪಾರ್ಕ್, ಕೇಶವಪುರ, ಹುಬ್ಬಳ್ಳಿ.

.....ದೂರುದಾರರು.

ವಿರುದ್ಧ,

ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ(ವಿ)

ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-1,

ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿ.

.....ಪ್ರತಿವಾದಿಗಳು.

ಪೀಠಿಕೆ:

1. ಸ್ಥಾವರ ಸಂಖ್ಯೆ: MP-16172 ಶ್ರೀ ಆನಂದ ಪುರಾಣಿಕ್, ಇವರ ಹೆಸರಿನಲ್ಲಿ ಸಂಪರ್ಕಿತಗೊಂಡಿದ್ದು, ಸದರಿ ಸ್ಥಾವರದ ಮಾಪಕವನ್ನು ದಿನಾಂಕ:03-07-2017 ರಂದು ಮಾಪಕ ತಪಾಸಣಾ ಉಪ ವಿಭಾಗ, ಹೆಸ್ಕಾಂ, ಧಾರವಾಡರವರ ಪರಿಶೀಲನೆಗೆ ಒಳಪಟ್ಟಿದ್ದು, ಸದರುವರ ವರದಿಯನ್ವಯ ಮಾಪಕದ ಸ್ಥಿರಾಂಕ K=20 ಎಂದು ಗಣಕೀಕೃತಗೊಳ್ಳದೇ ಬದಲಾಗಿ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=10 ಕ್ಕೆ ಬಿಲ್‌ಮಾಡಲಾಗಿದ್ದಿರುತ್ತದೆ ಎಂ.ಆರ್.ಟಿ. ರೇಟಿಂಗ್ ವರದಿಯಂತೆ ಪೆಬ್ರವರಿ-2008 ರಿಂದ ಜುಲೈ-2017 ರ ಅವಧಿಗೆ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=20 ರಲ್ಲಿ ಬಿಲ್‌ಗಳನ್ನು ಲೆಕ್ಕಿಸಿ ಬಿಲ್ ಮೊತ್ತ ರೂ.3,57,808/- ಗಳಿಗೆ ಬೇಡಿಕೆ ಆಕರಿಸಿರುತ್ತಾರೆ. ಆದರೆ ಇದು ನಿಗಮದ ಶಾಖಧಾಕಾರಿಗಳಿಂದ ಮತ್ತು ಮೀಟರ್ ರೀಡರ್‌ಗಳಿಂದ ಆದ ತಪ್ಪಿನಿಂದ ಆಗಿರುವುದು ಆದರೆ ನಮ್ಮಿಂದಾಗಿರುವುದಿಲ್ಲ ಆದ್ದರಿಂದ ಮಾನ್ಯರು ಎಲ್ಲ ಸತ್ಯಾಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ತಪ್ಪಿತಸ್ಥ ಅಧಿಕಾರಿಗಳೂ ವ ಸಿಬ್ಬಂದಿ ವರ್ಗದವರೂ ಜವಾಬ್ದಾರರಾಗಿರುವುದರಿಂದ ಅವರಿಂದ ಶೇ 50% ರಷ್ಟನ್ನು ಪಾವತಿಸಿಕೊಳ್ಳುವಂತೆ ವೇದಿಕೆಯಲ್ಲಿ ವಿನಂತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಸ್ಥಾವರಕ್ಕೆ ಆಕರಿಸಿರುವ ಒತ್ತಾಯದ ಬೇಡಿಯಕೆಯನ್ನು ಕೈಬಿಟ್ಟು ನ್ಯಾಯ ಒದಗಿಸಿಕೊಡಬೇಕೆಂದು ಗ್ರಾಹಕರು ದಿನಾಂಕ:19-02-218 ರಂದು ವೇದಿಕೆಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

2. ಸ್ಥಾವರ ಸಂಖ್ಯೆ: MP-16172 ನೇದ್ದ ಸ್ಥಾವರವು ಶ್ರೀ ಆನಂದ ಪುರಾಣಿಕ್, ಇವರ ಹೆಸರಿನಲ್ಲಿ ಸಂಪರ್ಕಿತಗೊಂಡಿದ್ದು, ಸದರಿ ಸ್ಥಾವರವು ದಿನಾಂಕ:03-07-2017 ರಂದು ಶ್ರೀಮತಿ ನಂದಾ ಮರಡಿ, ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ(ವಿ), ಮಾಪಕ ತಪಾಸಣಾ ಉಪ ವಿಭಾಗ, ಹೆಸ್ಕಾಂ,

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ನೋಂದಾಯಿತ ಕಛೇರಿ : ನಿಗಮ ಕಛೇರಿ, ನವನಗರ, ಪಿ.ಬಿ.ರೋಡ್, ಹುಬ್ಬಳ್ಳಿ-580025, ಕರ್ನಾಟಕ.

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Computer/E Drive/Babu sir/CGRF Dharwad District/CGRF/ಗ್ರಾಹಕರ ಕುಂದುಕೊರತೆಗಳ ನಿವಾರಣಾ ವೇದಿಕೆಯ ಆದೇಶಗಳು 2017-18

ಧಾರವಾಡರವರಿಂದ ರೇಟಿಂಗ್ಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ. ದಿನಾಂಕ:20-02-2008 ಹೆಚ್ಚುವರಿ ಭಾರ ದಿನಾಂಕದಿಂದ ಜುಲೈ-2017 ರವರೆಗೆ ಸ್ಥಾವರದ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=20 ಪೆಬ್ರವರಿ-2008 ರಿಂದ ಜುಲೈ-2017 ರ ಅವಧಿಗೆ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=20 ರಲ್ಲಿ ಬಿಲ್‌ಗಳನ್ನು ಲೆಕ್ಕಿಸಿ ಬದಲಾಗಿ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=10 ಕ್ಕೆ ಬಿಲ್‌ಮಾಡಲಾಗಿದ್ದಿರುತ್ತದೆ ಎಂ.ಆರ್.ಟಿ. ರೇಟಿಂಗ್ ವರದಿಯಂತೆ ಪೆಬ್ರವರಿ-2008 ರಿಂದ ಜುಲೈ-2017 ರವರೆಗೆ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=20 ಬಿಲ್‌ಗಳನ್ನು ಲೆಕ್ಕಿಸಿ ಬಿಲ್ ಮೊತ್ತ ರೂ.3,57,808/- ಲೆಕ್ಕಿಸಿ, ಪತ್ರ ಸಂಖ್ಯೆ:2770-73 ದಿನಾಂಕ:19-07-2017 ರಡಿಯಲ್ಲಿ ಗ್ರಾಹಕರಿಗೆ ನೋಟೀಸ್ ವಿತರಿಸಲಾಗಿದ್ದಿರುತ್ತದೆ. ನೋಟೀಸಿಗೆ ಗ್ರಾಹಕರು ಆಕ್ಷೇಪಣೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಆಕ್ಷೇಪಣೆ ಅರ್ಜಿಯನ್ವಯ ದಿನಾಂಕ:22-11-2017 ರಂದು ಶ್ರೀಮತಿ ನಂದಾ ಮರಡಿ, ಸ.ಕಾ.ನಿ.ಇಂ(ವಿ) ಮಾಪಕ ಪರಿವೀಕ್ಷಣೆಯ ಉಪ ವಿಭಾಗ, ಹೆಸ್ಕಾಂ, ಧಾರವಾಡ ಮತ್ತು ಶ್ರೀ ಜಿ ಎನ್ ಬಾಸುತಕರ ಶಹರ ಉಪ ವಿಭಾಗ-1, ಹೆಸ್ಕಾಂ, ಧಾರವಾಡ, ಸಹಾಯಕ ಲೆಕ್ಕಾಧಿಕಾರಿ(ಪ್ರೌಢಾರಿ)ರವರ ಉಪಸ್ಥಿತಿಯಲ್ಲಿ ವಿಚಾರಣೆ ಕೈಗೊಂಡು ದಿನಾಂಕ:20-02-2018 ದಿಂದ Normal ಜಕಾತಿಯ ದರದಲ್ಲಿ ಕಂಡು ಹಿಡಿದು ಲೆಕ್ಕಿಸಿದ ತಾತ್ಕಾಲಿಕ ಬಿಲ್ಲು ರೂಪಾಯಿ 3,57,808/- ವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ Under Protest ಅಥವಾ ಕಂತುಗಳಲ್ಲಿ ಪಾವತಿಸುವ ಅವಕಾಶದ ಸದುಪಯೋಗವನ್ನು ಪಡೆದುಕೊಂಡು ಗ್ರಾಹಕರು ಕಂದಾಯ ಕೊರತೆ ಮೊತ್ತವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಪಾವತಿಸಬೇಕೆಂದು ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ(ವಿ) ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-1, ಹೆಸ್ಕಾಂ, ಧಾರವಾಡರವರು ಆದೇಶ ಸಂಖ್ಯೆ:7078-80 ದಿನಾಂಕ:08-02-2018 ರಲ್ಲಿ ಅಂತಿಮ ಆದೇಶ ಹೊರಡಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಸ್ಥಾವರಕ್ಕೆ ಬೇಡಿಕೆಗೊಳಿಸಿರುವ ಮೊತ್ತವು ನಿಯಮಾನುಸಾರ ಸರಿ ಇರುತ್ತದೆ ಎಂದು ಸ.ಕಾ.ನಿ.ಇಂ(ವಿ), ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-2, ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿರವರು ವಿಚಾರಣೆಯ ಸಮಯದಲ್ಲಿ ವೇದಿಕೆಗೆ ವಿನಂತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

3. ಸದರ ಪ್ರಕರಣವನ್ನು ದಿನಾಂಕ: 30-05-2018, 30-06-2018, 13-07-2018, 18-08-2018 ಮತ್ತು 29-09-2018 ರಂದು ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು. ನಿಗಮದ ಪರವಾಗಿ ಶ್ರೀ ಸಂತೋಷ ಬಿ ಕುಂದರ. ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ(ವಿ), ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-1, ಹೆಸ್ಕಾಂ, ಧಾರವಾಡ ಹಾಗೂ ಶ್ರೀ ತುಷಾರ ಎಂ ಬದ್ಡಿ, ಗ್ರಾಹಕರ ಪರವಾಗಿ ಹಾಜರಿದ್ದರು.

### ಗ್ರಾಹಕರ ಪರವಾಗಿ, ಶ್ರೀ ತುಷಾರ ಎಂ ಬದ್ಡಿ, ಇವರು 'ಎ' ಫಾರ್ಮನೊಂದಿಗೆ ಸಲ್ಲಿಸಿದ ಲಿಖಿತ ಹೇಳಿಕೆ

This is an appeal under KERC (CGRF & Ombudsman) Regulations, 2004 against the impugned communication issued by the licensee Dt 08.02.2018 (received on 16.02.2018) with regard to the complaint made by the Appellant ofr wrong application of multiplying factor against the claim of Rs 357808/- by licensee.

Being aggrieved by the communication issued by the Asst Exe Engineer, the Appellant submits his case as under:

In the instant case the issue pertaining to the Installation bearing. RR NO. MP-16172 was initially serviced with a sanctioned load of 9.0 HP 0.580 KW in the name of Anand Puranik later the same was enhanced to the tune of 40 HP on 20.02.2008 (serviced on 16.06.2008; it is also undisputed fact that the Installation was rated by the Licensee's LTMR wing on the request of the AEE O&M Sub Division HESCOM Hubli the same is witnessed by the concerned Section Office. Since then the consumer is enjoying the energy supplied to his installation and regularly paying the energy bills as and when the bills are provided by the concerned department.

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Surprisingly the licensee has issued an impugned communication on 19.07.2017 claiming Rs 3,57,808/- said to be "Short Claim" amount which is highly exorbitant. On enquiry it is said that this disputed amount is generated for the period of 20.02.2008 to 01.07.2017 as the multiplying factor by mistake of the licensee's meter reader was quantified as 10 instead of 20; as this kind of dispute is now common in HESCOM due to deficiency of service by the concerned Section officers. The licensee has shown undue negligence in verifying the accounts/ service docket of the installation and facts of this issue.

On account of this the same is challenged before this Authority for want of justice; it is believed that this Authority will not influence the previous claims and will not shield its guilty officials; the forum/licensee will assume its jurisdiction in rendering justice.

Pending final adjudication of the present complaint on merits, it was prayed before this Authority to issue interim order restoration of power supply till the final disposal of the present complaint as great hardship and inconvenience will be caused if the interim order as prayed is not allowed.

So far as the levying of charges for applying wrong MF as 10 in the place of 20 as held by this Authority, is concerned, it was necessary to verify that on date the meter as well as the CT units were installed in the premises of the appellant, the records are in the custody of the licensee. It will be a fair play if this Authority directs the concerned officials to place on record copies of the service connection and Meter/CT calibration report, through which the related meter as well as the CT units were installed to feed electricity in the premises of the appellant to conclude the fact. The appellant has no role in the calculation and application of the MF. The onus of verification of MF is on the part of Respondents and the appellant is nowhere responsible for the calculation and application of MF.

Thus, the respondents are debarred by their act and conduct from overhauling the account of the petitioner for a period of Nine years Five months, Every consumer consumed the consumption as per his necessity at the relevant time and not keeping in view that what consumption, he has consumed during the past months. Whatever bills had been served upon the appellant, were served for the actual consumed consumption which have been duly paid. The reason for overhauling the account of the appellant for the last nine years five months is illegal and void.

The appellant herein wishes to state that as per procedure and manual provisions of the licensee, the LT CT's should be tested before installing. In case, if the authorizes of the licensee have discharged their above duties, which they are statutorily required to do so, such alleged lapses ought to have not missed from their eyes.

The appellant wishes to state that the metering unit before its installation in the consumer's premises is to be tested not only on the provision of KERC manual but also as per rules 57(4) of Indian Electricity Rules 1956. It is seen that the service was affected with the initial reading of 4.63 It gives room that the metering unit was not tested for its accuracy as contemplated under the provisions stated supra this would amount defective, unlawful, illegal and untenable under law and very bad in the eye of law.

The appellant wishes to state that it is well adopted procedure by the licensee that whenever a trivector meter (HT or LT) is newly installed, the person, who makes the initial reading in site, should take a reading on a stipulated day of a month and should report to the Sub Divisional

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Engineer/Asst Executive Engineer concerned if there is any cause for suspecting that the meter is recording abnormal consumption.

The appellant further wishes to state that the entire procedure to be adopted as per statutory provisions shown that the entire responsibilities is to be fixed on the Licensee (their authorities) and not on the consumer; even if it is presumed that the alleged bill of impugned demand raised is based on facts, the same is not binding on the consumer as the same is caused on the mistakes and defaults committed by the concerned respondent individual. The complainant is aggrieved with the licensee's attitude which has caused mental harassment as well as financial burden for no fault of his own.

As a citizen of the nation and a consumer, the appellant is bound to know what action is initiated against the respected authorities responsible for their alleged lapses. In case if these particulars are not furnished to the appellant, the appellant would insist the same under RTI Act to proceed further, under the provision of law under force.

The Appellant wishes to state that the fixing of meter and metering equipment was done by the respondent licensee and they used to physically verify the metering equipment including CT on various occasions and nothing wrong was ever found by them. Necessary entries regarding installation of meter and CTs were made by the respondents and the consumer has no authority to interfere in any manner in these acts. It is proved fact that the fault is on the part of the licensee at each and every stage. The connection of the petitioner was checked on 16.06.2008. At the time of release of connection, it was required to be checked within a period of 15 days, which ought to have been checked. In this case, it was not checked, the respondent individual is at fault.

The next important aspect in this matter is, raising of the bill for the service connection on the basis of KWH by the concerned Assistant Engineer/Section office, who was entrusted with the responsibility of reading the meter for raising the bills. The initial response of the respondent individual as due to "technical reasons" is found to be the work of the meter reader. The concerned AE from whom an explanation should on the part of the meter reader, the present situation is likely to come up. There is likelihood that the person responsible for this situation may be met with mild or no punishment, which would not help the appellant in any manner.

This lapse/act of omission and commission has led to keep an amount of Rs 3.50 Lac and odd out of the licensee's treasury for months together which ultimately resulted to a definite revenue loss to the licensee. It is requested before this Authority that this aspect should not be left untouched and a part of this definite revenue loss should be made good from the delinquent official.

The appellant, for no fault of his own, is being burdened with payment of Rs 3,57,580/- to pay at one time, which appears to be unreasonable. The appellant should therefore be entitled to pay half the back billing amount in at least 24 equal installments, less the amount directed to be recovered from the respondent individual.

We would state that the installation in question was serviced in the year 1992 with a 3phase 10 Amps energy meter accordingly the bill was served in the regular intervals and the consumer was paying the revenue bills as and when served by the licensee; further the appellant has sought additional load for the existing installation to the tune of 40 HP accordingly the same was serviced in the year 2008 duly carrying out Pre-commissioning test by the LTMR wing established by the licensee and the Test Report issued by the LTMR wing clearly

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indicates that the energy meter initially installed is replaced by new meter i.e., said to be a CT operated meter and the meter constant is fixed to be K=10 the test report issued by the LTMR wing is duly acknowledged by the then Section Officer which this Authority needs to investigate and identify, since there was a load enhancement it was certainly the duty of the section officer to certify the installation in the completion report as a legal procedure and in the completion report we can see that the section officer too has mentioned the new meter details which is CT operated duly mentioning the ratio of the CT's i.e., 50/5 and has also not forgotten to mention the meter constant (Multiplying Factor) K=10 the same is witnessed by the Accounts staff also.

This Authority may pleased be inclined to know that the installation was rated by the LTMR wing on the subsequent dates where the meter constant issue is mentioned by the LTMR wing and the rating reports are submitted to the sub divisional office for further procedure.

The appellant also wishes to state that the installation in question is found to rated on 10.08.2009 where the LTMR wing has mentioned as below:

(a) Test Meter error found is -48.48% (b) Test Meter error left is -48.48%

Subsequently the installation was rated by the LTMR wing on 16.08.2011 & 18.11.2015 even here LTMR wing has mentioned -48.14% error.

If at all the LTMR wing has found such error which cannot be ignored they should have rectified the error by whatever means it is possible; the consumer shall not be held responsible for such error. If at all the concerned individual had taken positive steps to rectify the error witnessed, then there would not be such huge arrears accumulated so far. Due to the alleged lapses of the respondent individual the installation was allowed to accrue the arrears to the tune of 3.58 Lakhs when the installation error was detected long before i.e. in the month of August-2009.

It is personally requested before this Authority to please be inclined to direct the head of HESCOM to recover the amount short claim from the concerned respondent individual as it is well established fact that the amount accumulated so far is accrued for the negligence & deficiency in service from the concerned respondent individual.

This shows total callousness on the part of the concerned licensee. The concerned licensee is personally responsible for the disobedience or delay.

The appellant wishes to state that the arrears (Short claim) of the above said installation have come to the knowledge of the licensee in the year 2009, since then the licensee's respondent individual could have demanded the short claim and initiated recovery action, even here the licensee has failed to comply with the KERC Conditions of Supply and the Rules made there under; the appellant wishes to state that the lapses of the licensee are discovered in every stage as mentioned in the aforesaid paragraphs.

The appellant wishes to place on record the judgments passed by the Hon'ble Electricity Ombudsman Gujarat State in the case of President GIDC Industrial Association, Vikramnagar vs Uttar Gujarat Vij. Company Ltd wherein the Hon'ble Electricity Ombudsman has appreciated the case of the petitioner by restricting the period of 2 years for recovery of short claims, the same was challenged before the High Court of Gujarat by the defendant i.e., Uttar Gujarat Vij Company Ltd and after serious examination the High Court of Gujarat therefore the text of the judgment comes to the aid of the consumer.

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Similarly the appellant also wishes to place on record the order of the Hon'ble High Court of Punjab & Haryana in Shri Surinder Kumar vs Electricity Ombudsman Punjab & other wherein the Hon'ble High Court has appreciated the case of the plaintiff restricting the period as specified under relevant clause quashing the order passed by the Electricity Ombudsman, here the Electricity Ombudsman had passed the order for recovering the short claims without restricting the period i.e., 7/1/2 years. Hon'ble High Court of Punjab & Haryana has cited the judgments of Division Bench of the same court in Tagore public school (supra) which was later affirmed by the Hon'ble Supreme Court of India.

Finally the appellant wishes to place on record the order sheet of the Maharashtra Electricity Regulatory Commission in M/s Alps Ice and Cold Storage Pvt Ltd vs Maharashtra Electricity Distribution Company Ltd wherein the Hon'ble Commission has appreciated the case of the petitioner noting "No retrospective recovery can be allowed on the basis of **any** abrupt reclassification of a consumer even though the same might have been pointed out by the Auditor. Any reclassification must follow a definite process... and the recovery, if any, would be prospective **only**... the same cannot be categorized as an escaped billing in the strict sense of the term to recover retrospectively.

#### **Duties of the Meter Reader**

Taking Meter Readings and billing at spot, of energy consumption including delivering the bills at spot, maintenance of Meter Reading books and other incidental works thereto including associated clerical work arranging and re-arranging pro forma bills, check working of Meters, Meter Seals and General condition of installation during routine Meter Reading, make note in the diary and record in a register regarding defects, deficiencies and unauthorized connections and reconnections etc.etc. Reporting the Section Officer regarding any abnormalities in the readings, change in nature of installation, suspected pilferage of energy etc. noticed during the course of meter readings.

Here it is also evident to note that the Meter Reader of the licensee, did visit the premises of the complainant since from the date of service of the above said installations, even if it is presumed that the meter is not recording the Meter Reader ought to have reported to the Section Officer regarding meter not recording wherein his duty mandates him to do so.

In the instant case, the grievance of the complaint is that although he has not utilized the consumption as claimed by the licensee, this Authority has erroneously claimed the average consumption.

In view of the aforesaid contentions, it is hereby requested to kindly consider the factual aspects and relevant provisions therein and examine the contentions of the consumer on the issues involved in the interest of natural justice and this Authority may be pleased to withdraw the impugned communication mentioned above and to revise the bills according to norms as it is well established fact that there is no mistake occurred on part of the consumer. We are also not in a view that the Distribution Company should bear any kind of losses because of the mistake of its own employees who have shown undue negligence, as this will also help the Distribution Company in giving a strong message to its employees who exhibit negligence on their obligatory duties.

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In view of the above it is hereby requested before this Authority to kindly direct the concerned licensee to:

- A) Call for records.
- B) Set aside the impugned order issued by the AEE.
- C) Grant interim order for Restoration of supply of installation.
- D) Direct the Head of HESCOM to take strict action on he respondent individuals for their willful disobedience.

Award cost to instant litigation as this Authority deems fit in the interest of justice and equity

**ಗ್ರಾಹಕರ ಪರವಾಗಿ, ಶ್ರೀ ತುಷಾರ ಎಂ ಬದ್ವಿ, ಇವರ ಸಲ್ಲಿಸಿದ ಮುಂದುವರೆದ ಲಿಖಿತ ಹೇಳಿಕೆ**

This is an appeal under Reg. 44.00 of KERC Conditions of Supply against the impugned communication issued by the licensee Dt. 08.02.2018 (received on 16.02.2018) with regard to the complaint made by the Appellant regarding wrong application of multiplying factor against the claim of Rs. 357808/- by licensee. Being aggrieved by the communication issued by the Asst Exe Engineer, the Appellant submits his case as under:

In the instant case the issue pertaining to the Installation bearing RR No. MP-16172 was initially serviced with a sanctioned load of 9.0 HP 0.580 KW in the name of Anand Puranik later the same was enhanced to the tune of 40 HP on 20.02.2008 (serviced on 16.06.2008; it is also undisputed fact that *the Installation was rated by the Licensee's LTMR wing on the request of the AEE O&M Sub Division HESCOM Hubli* the same is witnessed by the concerned Section Officer. Since then the consumer is enjoying the energy supplied to his installation and regularly paying the energy bills as and when the bills are provided by the concerned department.

Surprisingly the licensee has issued an impugned communication on 19.07.2017 claiming Rs. 3,57,808/- said to be "Short Claim" amount which is highly exorbitant. On enquiry it is said that this disputed amount is generated for the period of 20.02.2008 to 01.07.2017 as the multiplying factor by mistake of the licensee's meter reader was quantified as 10 instead of 20; as this kind of dispute is now common in HESCOM due to deficiency of service by the concerned Section officers. The licensee has shown undue negligence in verifying the accounts/service docket of the installation and facts of this issue.

On account of this the same is challenged before this Authority for want of justice; it is believed that this Authority will not influence the previous claims and will not shield its guilty officials; the forum/licensee will assume its jurisdiction in rendering justice.

Pending final adjudication of the present complaint on merits, it was prayed before this Authority to issue interim order restoration of power supply till the final disposal of the present complaint as great hardship and inconvenience will be caused if the interim order as prayed is not allowed.

So far as the levying of charges for applying wrong MF as 10 in the place of 20 as held by this Authority, is concerned, it was necessary to verify that on date, the meter as well as the CT units were installed in the premises of the appellant, the records are in the custody of the licensee. It will be a fair play if this Authority directs the concerned officials to place on record copies of the service connection and Meter/CT calibration report, through which the related

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meter as well as the CT units were installed to feed electricity in the premises of the appellant to conclude the fact. The appellant has no role in the calculation and application of the MF. The onus of verification of MF is on the part of Respondents and the appellant is nowhere is responsible for the calculation and application of MF.

Thus, the respondents are debarred by their act and conduct from overhauling the account of the petitioner for a period of Nine years Five months. Every consumer consumed the consumption as per his necessity at the relevant time and not keeping in view that what consumption, he has consumed during the past months. Whatever bills had been served upon the appellant, were served for the actual consumed consumption which have been duly paid. The reason for overhauling the account of the appellant for the last nine years five months is illegal and void.

The appellant herein wishes to state that as per procedure and manual provisions of the licensee, the LT CT's should be tested before installing. In case, if the authorities of the licensee have discharged their above duties, which they are statutorily required to do so, such alleged lapses ought to have not missed from their eyes.

The appellant wishes to state that the metering unit before its installation in the consumer's premises is to be tested not only on the provision of KERC manual but also as per rules 57(4) of Indian Electricity Rules 1956. It is seen that the service was affected with the initial reading of 4.63. It gives room that the metering unit was not tested for its accuracy as contemplated under the provisions stated supra this would amount defective, unlawful, illegal and untenable under law and very bad in the eye of law.

The appellant wishes to state that it is well adopted procedure by the licensee that whenever a trivector meter (HT or LT) is newly installed, the person, who makes the initial reading in site, should take a reading on a stipulated day of a month and should report to the Sub Divisional Engineer/Asst Executive Engineer concerned if there is any cause for suspecting that the meter is recording abnormal consumption.

The appellant further wishes to state that the entire procedure to be adopted as per statutory provisions shows that the entire responsibilities is to be fixed on the Licensee (their authorities) and not on the consumer; even if it is presumed that the alleged bill of impugned demand raised is based on facts, the same is not binding on the consumer as the same is caused on the mistakes and defaults committed by the concerned respondent individual. The complainant is aggrieved with the licensee's attitude which has caused mental harassment as well as financial burden for no fault of his own.

As a citizen of the nation and a consumer, the appellant is bound to know what action is initiated against the respected authorities responsible for their alleged lapses. In case if these particulars are not furnished to the appellant, the appellant would insist the same under RTI Act to proceed further, under the provision of law under force.

The appellant wishes to state that the fixing of meter and metering equipment was done by the respondent licensee and they used to physically verify the metering equipment including CT on various occasions and nothing wrong was ever found by them. Necessary entries regarding installation of meter and CTs were made by the respondents and the consumer has no authority to

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interfere in any manner in these acts. It is proved fact that the fault is on the part of the licensee at each and every stage. The connection of the petitioner was checked on 16.06.2008. At the time of release of connection, it was required to be checked within a period of 15 days, which ought to have been checked. In this case, it was not checked, the respondent individual is at fault.

The next important aspect in this matter is, raising of the bill for the service connection on the basis of KWH by the concerned Assistant Engineer/Section officer, who was entrusted with the responsibility of reading the meter for raising the bills. The initial response of the respondent individual as due to "technical reasons" is found to be the work of the meter reader. *The concerned AE from whom an explanation should have called for is not on record*, it is pretty clear that because of want of caution on the part of the meter reader, the present situation is likely to come up. There is likelihood that the person responsible for this situation may be met with mild or no punishment, which would not help the appellant in any manner.

This lapse / act of omission and commission has led to keep an amount of Rs. 3.50 Lac and odd out of the licensee's treasury for months together which ultimately resulted to a definite revenue loss to the licensee. It is requested before this Authority that this aspect should not be left untouched and a part of this definite revenue loss should be made good from the delinquent official. Accordingly, an amount equal to 50% (fifty percent) of the chargeable amount should be recovered from the concerned delinquent official.

The appellant, for no fault of his own, is being burdened with payment of Rs 3,57,580/- to pay at one time, which appears to be unreasonable. The appellant should therefore be entitled to pay half the back billing amount in at least 24 equal installments, less the amount directed to be recovered from the respondent individual.

We would wish to state that the installation in question was serviced in the year 1992 with a 3phase 10 Amps energy meter accordingly the bill was served in the regular intervals and the consumer was paying the revenue bills as and when served by the licensee; further the appellant has sought additional load for the existing installation to the tune of 40 HP accordingly the same was serviced in the year 2008 duly carrying out Pre-commissioning test by the LTMR wing established by the licensee and the Test Report issued by the LTMR wing clearly indicates that the energy meter initially installed is replaced by new meter i.e., said to be a CT operated meter and the meter constant is fixed to be K=10 the test report issued by the LTMR wing is duly acknowledged by the then Section Officer which this Authority needs to investigate and identify, since there was a load enhancement it was certainly the duty of the section officer to certify the installation in the completion report as a legal procedure and in the completion report we can see that the section officer too has mentioned the new meter details which is CT operated duly mentioning the ratio of the CT's i.e., 50/5 and has also not forgotten to mention the meter constant (Multiplying Factor) K=10 the same is witnessed by the Accounts staff also.

This Authority may pleased be inclined to know that the installation was rated by the LTMR wing on the subsequent dates where the meter constant issue is mentioned by the LTMR wing and the rating reports are submitted to the sub divisional office for further procedure.

The appellant also wishes to state that the installation in question is found to rated on 10.08.2009 where the LTMR wing has mentioned as below:

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(a) Test Meter error found is -48.48%. (b) Test Meter error left is -48.48%. Subsequently the installation was rated by the LTMR wing on 16.08.2011 & 18.11.2015 even here LTMR wing has mentioned -48.14% error.

If at all the LTMR wing has found such error which cannot be ignored they should have rectified the error by whatever means it is possible; the consumer shall not be held responsible for such error. If at all the concerned individual had taken positive steps to rectify the error witnessed, then there would not be such huge arrears accumulated so far. Due to the alleged lapses of the respondent individual the installation was allowed to accrue the arrears to the tune of 3.58 Lakhs when the installation error was detected long before i.e. in the month of August 2009.

It is personally requested before this Authority to please be inclined to direct the head of HESCOM to recover the amount short claim from the concerned respondent individual as it is well established fact that the amount accumulated so far is accrued for the negligence & deficiency in service from the concerned respondent individual.

This shows total callousness on the part of the concerned licensee. The concerned licensee is personally responsible for the disobedience or delay.

The appellant wishes to state that the arrears (short claim) of the above said installation have come to the knowledge of the licensee in the year 2009, since then the licensee's respondent individual could have demanded the short claim and initiated recovery action, even here the licensee has failed to comply with the KERC Conditions of Supply and the Rules made there under; the appellant wishes to state that the lapses of the licensee are discovered in every stage as mentioned in the aforesaid paragraphs.

The appellant wishes to place on record the judgments passed by the Hon'ble Electricity Ombudsman Gujarat State in the case of President GIDC Industrial Association, Vikramnagar vs Uttar Gujarat Vij. Company Ltd wherein the Hon'ble Electricity Ombudsman has appreciated the case of the petitioner by restricting the period of 2 years for recovery of short claims, the same was challenged before the High Court of Gujarat by the defendant i.e., Uttar Gujarat Vij Company Ltd and after serious examination the High Court of Gujarat has confirmed the judgment passed by the Hon'ble Electricity Ombudsman of Gujarat therefore the text of the judgment comes to the aid of the consumer.

Similarly the appellant also wishes to place on record the order of the Hon'ble High Court of Punjab & Haryana in Shri Surinder Kumar vs Electricity Ombudsman Punjab & others wherein the Hon'ble High Court has appreciated the case of the plaintiff restricting the period as specified under relevant clause quashing the order passed by the Electricity Ombudsman, here the Electricity Ombudsman had passed the order for recovering the short claims without restricting the period i.e., 7/1/2 years. Hon'ble High Court of Punjab & Haryana has cited the judgments of Division Bench of the same court in Tagore Public School (supra) which was later affirmed by the Hon'ble Supreme Court of India.

Finally the appellant wishes to place on record the order sheet of the Maharashtra Electricity Regulatory Commission in M/s Alps Ice and Cold Storage Pvt Ltd vs Maharashtra Electricity Distribution Company Ltd wherein the Hon'ble Commission has appreciated the case of the petitioner noting "*No retrospective recovery can be allowed on the basis of any abrupt reclassification of a consumer even though the same might have been pointed out by the Auditor.*"

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ನೊಂದಾಯಿತ ಕಛೇರಿ : ನಿಗಮ ಕಛೇರಿ, ನವನಗರ, ಪಿ.ಬಿ.ರೋಡ್, ಹುಬ್ಬಳ್ಳಿ-580025, ಕರ್ನಾಟಕ.

Registered Office: Corporate Office, Navangar, P.B .Road, Hubballi-580025, Karnataka  
Website:www.hescom.co.in

Computer/E Drive/Babu sir/CGRF Dharwad District/CGRF/ಗಾ.ಹಕರ ಕುಂದುಕೊರತೆಗಳ ನಿವಾರಣಾ ವೇದಿಕೆಯ ಆದೇಶಗಳು 2017.12



*Any reclassification must follow a definite process... and the recovery, if any, would be prospective **only**... the same cannot be categorized as an escaped billing in the strict sense of the term to recover retrospectively."*

### **Duties of the Meter Reader**

Taking Meter Readings and billing at spot, of energy consumption including delivering the bills at spot, maintenance of Meter Reading books and other incidental works thereto including associated clerical work arranging and re-arranging pro forma bills, **check working of Meters**, Meter Seals and General condition of installation during routine Meter Reading, make note in the diary and record in a register regarding defects, deficiencies and unauthorized connections and reconnections etc.etc. Reporting the Section Officer regarding any *abnormalities in the readings*, change in nature of installation, suspected pilferage of energy etc. noticed during the course of meter readings.

Here it is also evident to note that the Meter Reader of the licensee, did visit the premises of the complainant since from the date of service of the above said installations, even if it is presumed that the meter is not recording the Meter Reader ought to have reported to the Section Officer regarding *meter not recording* wherein his duty mandates him to do so.

In the instant case, the grievance of the complaint is that although he has not utilized the consumption as claimed by the licensee, this Authority has erroneously claimed the average consumption.

In view of the aforesaid contentions, it is hereby requested to kindly consider the factual aspects and relevant provisions therein and examine the contentions of the consumer on the issues involved in the interest of natural justice and this Authority may be pleased to withdraw the impugned communication mentioned above and to revise the bill according to norms as it is well established fact that there is no mistake occurred on part of the consumer. We are also not in a view that the Distribution Company should bear any kind of losses because of the mistake of its own employees, in-fact the amount accumulated @ 50% be imposed on the concerned employees who have shown undue negligence, as this will also help the Distribution Company in giving a strong message to its employees who exhibit negligence on their obligatory duties.

In view of the above it is hereby requested before this Authority to kindly direct the concerned licensee to:-

- A) Call for records.
- B) Set aside the impugned order issued by the AEE.
- C) Grant interim order for Restoration of supply of installation.
- D) Direct the Head of HESCOM to take strict action on the respondent individuals for their willful disobedience.
- E) Award cost to instant litigation as this Authority deems fit in the interest of justice and equity.

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ಗ್ರಾಹಕರ ಪರವಾಗಿ, ಶ್ರೀ ತುಷಾರ ಎಂ ಬದ್ವಿ, ಇವರ ಮುಂದುವರೆದ ಲಿಖಿತ ಹೇಳಿಕೆ

**MEMO FILED BY THE APPELLANT**

Whereas the case was called on 13.07.2018 and the representative of the Appellant made elaborate oral submission and this Authority was pleased to direct the appellant to file a written submission, accordingly the same was filed before this forum on 17.07.2018. The appellant wishes to elaborate additional issues which this Authority needs to examine.

1. It is most respectfully submitted that the installation bearing RR No MP 16172 standing in the name of Shri Anand Puranik, Dharwad was serviced on 16.06.2008 with a sanctioned load (Existing + Additional) to the tune of 40HP under LT-5 (Industrial) Tariff.
2. It is submitted that the engineer of the licensee servicing the installation ought to have issued a Service Certificate to the consumer having serviced the installation specifying certain details including the CT ratio in terms of Regulation clause 4.08(vi) (f) of the Conditions of Supply. We wish to confirm that service certificate was not issued to the consumer; this itself constitutes violation of Conditions of licence issued under sec. 16 of Electricity Act 2003. It is to be noted that as per clause 4 of Conditions of Licence, the licensee is required to comply with the provisions under Conditions of licence. It lives very little doubt that the licensee violated the conditions attracting provisions of Sec. 142 and 146 of the Act under clause 18 of the Conditions of License.
3. It is further submitted that the completion certificate pertaining to additional load took place in the year 2008 reveals that the officer of the licensee and the consumer alongwith the Licensed Electrical Contractor jointly signed the completion certificate after the pre commission test conducted by the LTMR wing. Even assuming that the omission was inadvertent upon having noticed that there was a deficiency in not recording correct CT ratios, the engineer of the licensee ought to have brought to the notice of the consumer in respect of inclusion of correct CT ratios, once again certain deviations have happened and corrections have been incorporated behind the back of the consumer.
- 3(i). Even assuming but not admitting the liability to make up any short falls arising out of erroneous billing the procedures contemplated under clause 29.03 of Conditions of Supply have not been followed.
4. **29.03 Supplemental claims:** *For preferring the supplemental claims, the Licensee shall serve a provisional Assessment order with 15 days" notice to the Consumer to file his objections, if any, against the provisional Assessment rder on account of faulty meter or short claims caused due to erroneous billing nd obtain his reply. After considering the objections of the Consumer, theLicensee shall issue the final order. The Consumer shall be intimated to make the payment within 15 days of the date of intimation, failing which, the power supply to the installation shall be disconnected and such amount shall be deemed to be arrears of electricity charges. **The Licensee shall indicate in the final order, the provisions of K.E.R.C. (Consumer Grievance Redressal Form and Ombudsman) Regulations,2004 & 4.22 Disputes in the bills***

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ನೋಂದಾಯಿತ ಕಛೇರಿ : ನಿಗಮ ಕಛೇರಿ, ನವನಗರ, ಪಿ.ಬಿ.ರೋಡ್, ಹುಬ್ಬಳ್ಳಿ-580025, ಕರ್ನಾಟಕ.

**Registered Office:** Corporate Office, Navangar, P.B .Road, Hubballi-580025, Karnataka  
Website:www.hescom.co.in

f) While communicating the decision on the review of the bill, the Licensee shall advise the Consumer in writing his right to prefer an appeal against the decision of the Licensee to the Consumer Grievance Redressal Forum and further to the Ombudsman as provided in KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, for instance the provisions of KERC (CGRF and Ombudsman) Reg. 2004 should have been informed to the consumer; therefore the officer of the licensee has committed a serious error.

5. It is settled law that "no wrong doer should be enabled by law to take advantage of his own wrong doings". The concerned Asst. Executive Engineer, representing HESCOM is a party to the Agreement between himself and the consumer. He cannot, by violating the KERC Regulations put the consumer into financial inconvenience taking advantage of his superior position. In the instant case the wrong doings on the part of the officer of the licensee has caused serious financial inconveniences which are actual loss, expected loss, physical, mental, emotional suffering insults of injury or loss which have to compensate by the erring official.
6. Further it is submitted before this Hon'ble Authority that as per the submission of the Respondent Licensee in his opinion, .....that the impugned demand raised by the licensee is in order and required to make payment by the consumer..... on counter to this statement the appellant hereby submits that the right of the licensee to recover any amount from the consumer exists only when the respondent herein have acted in accordance with the regulations issued by the commission and not otherwise. Thereby the licensee has no right to recover any amount arising out of their own commissions and omissions.

The complainant also wishes to place before this Authority justification for demanding the compensation:-

- a) The complainant herein was running a industry and the prices of the items supplied to the consumer had a direct relation to the input cost and any additional input cost cannot be recovered from the consumer's retrospectively.
- b) The complainant cannot also increase the prices of the commodities for the reason that there is a real threat of losing the consumers.
- c) In the result the complainant has to bear this entire burden on his own  
which would cause serious financial inconvenience.

Attention of this Authority is also invited to the judgments in the following cases:-

- i. Lucknow Development Authority vs M K Gupta AIR 1994 SC 787 and
  - ii. Rathi Memon vs Union of India (2001) 3SCC 714; 2001 SCC (CRI) 1311; AIR 2000 SC 1333.
7. The ratio of the above judgments in so far as compensation is concerned the complainant herein is entitled to get relief as prayed for in this representation particularly having regard to the fact that the consumer have already deposited Rs 1,80,000/- as 50% of the disputed supplemental claims.
  8. It is note worthy to state even this Authority has acted in a manner prejudicial to the appellant by directing to deposit 50% of the disputed amount without any legal basis. Therefore look at from any angle the action

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on the part of the licensee including this Authority has prejudice the rights of the consumer which is guaranteed in terms of the preamble of 2003 Act, wherein it is stated that protecting the interest of the consumer is the vital aspect in enactment of Electricity Act 2003.

9. Wherein this forum is established under section 42(6) of the Electricity Act where it is ought to *examine the mutual checks and balances aimed at preventing abuses of power, and it shall carry out its function in the independent and impartial manner.* It is also prayed that various violations has enumerated *supra* are to be brought to the knowledge of the Hon'ble Commission.
10. In order to ascertain the facts the appellant hereby requests before this Authority to refer the matter to the Chief Electrical Inspector to assess the quantum of energy of the disputed meter as defined under clause 2.39 of the KERC Conditions of Supply read with clause 27.00 Amended version vide Notification No. K.E.R.C./COS/D/07/10 Dated: 1. 7. 2010 published in Karnataka Gazette dated: 22. 7. 2010 since the dispute relating to meters are required to be referred to Chief Electrical Inspector by virtue of which powers to assess the quantum of energy is lying with the Electrical Inspector and any unilateral decision of correctness or otherwise of meter is not sustainable in the eyes of law. And according to the Indian Electricity Act 1910 read with sec. 55 of The Indian Electricity Act 2003, the powers to assess the quantum of energy for the duration of alleged meter dispute is lying with the Electrical Inspector under sub section 6 of Section 26.
11. It is further submitted that since the matter relates to the correctness of meter, it has been held by Karnataka High Court in various judgment that any unilateral decision about the correctness or otherwise of the meter should be referred to an Authority called Electrical Inspector.
12. Kind attention of this Hon'ble Authority is invited to para no 7 of the said judgment of Hon'ble High Court of Karnataka in *Karnataka Electricity Board and another vs Topasa Ramasa Patil*, 1991 (1) Kar.L.J.313 (DB): ILR 1991 Kar. 909 (DB)  
“ Dispute regarding correctness of a meter installed in the consumer premises:-  
*in case of under recording board to raise dispute before Electrical Inspector, in case of over recording consumer being the effected party, he should raise the dispute, once such dispute is raised modification of bill should await decision of the Electrical Inspectorate,* having regard to the fact that the meter was allegedly recording incorrect from the very first date of service namely 16.06.2008 and the alleged defective meter was replaced on 03.07.2017 and subsequently a back billing was raised is patently illegal in the eyes of law, also having regard to the fact that recovery proceedings were initiated during the year 2017 after a lapse of nearly 9 years the claim itself is barred by limitation.
13. Even assuming but not admitting that there exists a liability to pay back billing charges the liability could not have been more than six months prior to the detection of incorrect reading in terms of regulation 28.02 of the Indian Electricity Act, 1910; wherein the maximum period for back billing shall not be more than six months, however in the present case the back billing has been raised for a period in excess of six months.

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14. Looking at the above facts the licensee, with deliberate intention, suppressed the facts of the issue with a view to get orders in his favour. Therefore, in my view, when the respondent officer of the licensee has not come with candid facts and clean hands, he cannot claim the short claim amount with soiled hands. If the respondent licensee does not disclose all the material facts fairly and truly but states them in a distorted manner with a view to mislead or deceive this Authority, this Authority has inherent power in order to protect itself and to prevent an abuse of its process to discharge the *rule nisi* and refuse to proceed further with the examination on the merits. In this view of the matter, the appellant prays before this Authority that the demand with regard to short claim should be rejected on the ground that the respondent licensee has suppressed material facts.

Therefore in view of the aforesaid para it is most respectfully prayed that this Hon'ble Authority may be pleased to direct the respondent to withdraw the impugned demand and refund the 50 % of the claim i.e. Rs 1,80,000/- collected from the appellant alongwith interest and in the interest of justice and equity with cost, hence prayed accordingly.

**ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್(ವಿ) ಕಾ ಮತ್ತು ಪಾ ಶಹರ**  
**ಉಪವಿಭಾಗ-1, ಹೆಸ್ಕಾಂ, ಧಾರವಾಡ ಇವರ ಲಿಖಿತ ಹೇಳಿಕೆ.**

ಸ್ಥಾವರ ಸಂಖ್ಯೆ : MP 16172 ಶ್ರೀ ಆನಂದ ಪುರಾಣಿಕ್, ಲಕಮನಹಳ್ಳಿ ಧಾರವಾಡ ಇದಕ್ಕೆ ಹೆಚ್ಚುವಲ ಭಾರ ದಿನಾಂಕ:20.02.2018 ಲಂದ ಜೂನ್-2017 ರ ವರೆಗೆ Normal ಜಕಾತ ದರದಲ್ಲ KERC ES & D Code Clause 29.03 ರಂತೆ ಹಾಗೂ CT Test Report No.AEE/SSL/HBL/2016-17/F-12/252/dated 05.07.2017 ರಂತೆ CT Ratio 100/5 (k-20) ಇರುವುದಕ್ಕೆ K 20 (-) K=10 ವ್ಯತ್ಯಾಸಕ್ಕೆ ಬಳಕೆ ಶುಲ್ಕ (ಬಳಸಿದ ಯುನಿಟ್ಗಳಿಗೆ) ರೂಪಾಯಿ 357808/- ವನ್ನು ಗ್ರಾಹಕರಿಗೆ ಪಾವತಿಸಲು ನೀಡಿರುವ Provisional Bill ನೋಟೀಸ್ ನಿಯಮಬದ್ಧವಾಗಿರುತ್ತದೆ ಮತ್ತು ಗ್ರಾಹಕರು ಆ ಸಮಯದಲ್ಲ ಬಿಡುಗಡೆಯನ್ನು MP-16172 ಕೈಗಾಲಕಾ ಸ್ಥಾವರಕ್ಕೆ ಬಳಸಿದ್ದು, ನಿಜವಾಗಿರುತ್ತದೆ ಮತ್ತು ಅರ್ಥಿಕ ನಲಹೆಗಾರರು ನಿಗಮ ಕಛೇರಿ, ಹುಬ್ಬನಕನಿ ನವನಗರ ಹುಬ್ಬಳ್ಳಿ ರವರ Memo No.HESCOM/FA/ALD/08-09/CYS-974/dated 21.01.2009 judgment of Honourable High Court of Karnataka in relation to a dispute between BESCO Vs M/s Ghousia College of Engineering Ramanagar ಪ್ರಕರಣದಲ್ಲ ನೀಡಿರುವ ತೀರ್ಪಿನಂತೆ ಪೂರಕ ಕೊರತೆಯ ಅವಧಿಯ ಎರಡು ವರ್ಷಕ್ಕೆ ಸೀಮಿತಗೊಳಿಸದೇ, ಹಿಂದಿನ ಎಲ್ಲಾ ನಿರ್ಧರಿಸಿದ ಅವಧಿಗೆ ಕಂಡು ಹಿಡಿದು ಪಾವತಿಸಬಹುದಾಗಿರುತ್ತದೆ ಎಂದು ಸ್ಪಷ್ಟೀಕರಿಸಿರುವುದರಿಂದ ಹಾಗೂ ಕಂಪನಿಗೆ ಬರಬೇಕಾಗಿರುವ Supplement claim ವಾಗಿರುವುದರಿಂದ ನದಲ ಗ್ರಾಹಕರಿಂದ ರೂಪಾಯಿ 357808/- ಕಂದಾಯ ಕೊರತೆಯನ್ನು ವಸೂಲಾತಿ ಮಾಡಲು ಆದೇಶವನ್ನು ಹೊರಡಿಸಬೇಕಾಗಿ ಬಿಂತಾನಲಾಗಿದೆ.

**ಪ್ರಕರಣದ ಸಾರಾಂಶದ ಮೇಲೆ ವೇದಿಕೆಯ ಅಭಿಪ್ರಾಯ:**

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

1. ಸ್ಥಾವರ ಸಂಖ್ಯೆ: MP-16172 ಶ್ರೀ ಆನಂದ ಪುರಾಣಿಕ್, ಇವರ ಹೆಸರಿನಲ್ಲಿ ಸಂಪರ್ಕಿತಗೊಂಡಿದ್ದು, ಸದರಿ ಸ್ಥಾವರದ ಮಾಪಕವನ್ನು ದಿನಾಂಕ:03-07-2017 ರಂದು ಮಾಪಕ ತಪಾಸಣಾ ಉಪ ವಿಭಾಗ, ಹೆಸ್ಕಾಂ, ಧಾರವಾಡರವರ ಪರಿಶೀಲನೆಗೆ ಒಳಪಟ್ಟಿದ್ದು, ಸದರುವರ ವರದಿಯನ್ವಯ ಮಾಪಕದ ಸ್ಥಿರಾಂಕ K=20 ಎಂದು ಗಣಕೀಕೃತಗೊಳ್ಳದೇ ಬದಲಾಗಿ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=10 ಕ್ಕೆ ಬಿಲ್ ಮಾಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಎಂ.ಆರ್.ಟಿ. ರೇಟಿಂಗ್ ವರದಿಯಂತೆ ಪೆಬ್ರವರಿ-2008 ರಿಂದ ಜುಲೈ-2017 ರ

ಅವಧಿಗೆ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=20 ರಲ್ಲಿ ಬಿಲ್‌ಗಳನ್ನು ಲೆಕ್ಕೀಕರಿಸಿ ಬಿಲ್ ಮೊತ್ತ ರೂ.3,57,808/- ಗಳಿಗೆ ಬೇಡಿಕೆ ಆಕರಿಸಿರುತ್ತಾರೆ. ಆದರೆ ಇದು ನಿಗಮದ ಶಾಖಾಧಿಕಾರಿಗಳಿಂದ ಮತ್ತು ಮೀಟರ್ ರೀಡರ್‌ಗಳಿಂದ ಆದ ತಪ್ಪಿನಿಂದ ಆಗಿರುವುದು ಆದರೆ ನಮ್ಮಿಂದಾಗಿರುವುದಿಲ್ಲ ಆದ್ದರಿಂದ ಮಾನ್ಯರು ಎಲ್ಲ ಸತ್ಯಾಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ತಪ್ಪಿತಸ್ಥ ಅಧಿಕಾರಿಗಳೂ ವ ಸಿಬ್ಬಂದಿ ವರ್ಗದವರೂ ಜವಾಬ್ದಾರಾಗಿರುವುದರಿಂದ ಅವರಿಂದ ಶೇ 50% ರಷ್ಟನ್ನು ಪಾವತಿಸಿಕೊಳ್ಳುವಂತೆ ವೇದಿಕೆಯಲ್ಲಿ ವಿನಂತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಸ್ಥಾವರಕ್ಕೆ ಆಕರಿಸಿರುವ ಒತ್ತಾಯದ ಬೇಡಿಯಕೆಯನ್ನು ಕೈಬಿಟ್ಟು ನ್ಯಾಯ ಒದಗಿಸಿಕೊಡಬೇಕೆಂದು ಗ್ರಾಹಕರು ದಿನಾಂಕ:19-02-218 ರಂದು ವೇದಿಕೆಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.

2. ಸ್ಥಾವರ ಸಂಖ್ಯೆ: MP-16172 ನೇದ್ದ ಸ್ಥಾವರವು ಶ್ರೀ ಆನಂದ ಪುರಾಣಿಕ್, ಇವರ ಹೆಸರನಲ್ಲಿ ಸಂಪರ್ಕಗೊಂಡಿದ್ದು, ಸದರಿ ಸ್ಥಾವರವು ದಿನಾಂಕ:03-07-2017 ರಂದು ಶ್ರೀಮತಿ ನಂದಾ ಮರಡಿ, ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ(ವಿ), ಮಾಪಕ ತಪಾಸಣಾ ಉಪ ವಿಭಾಗ, ಹೆಸ್ಯಾಂ, ಧಾರವಾಡರವರಿಂದ ರೇಟಿಂಗ್ಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ. ದಿನಾಂಕ:20-02-2008 ಹೆಚ್ಚುವರಿ ಭಾರ ದಿನಾಂಕದಿಂದ ಜುಲೈ-2017 ರವರೆಗೆ ಸ್ಥಾವರದ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=20 ಪೆಬ್ರವರಿ-2008 ರಿಂದ ಜುಲೈ-2017 ರ ಅವಧಿಗೆ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=20 ರಲ್ಲಿ ಬಿಲ್‌ಗಳನ್ನು ಲೆಕ್ಕೀಕರಿಸಿ ಬದಲಾಗಿ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=10 ಕ್ಕೆ ಬಿಲ್‌ಮಾಡಲಾಗಿದ್ದಿರುತ್ತದೆ ಎಂ.ಆರ್.ಟಿ. ರೇಟಿಂಗ್ ವರದಿಯಂತೆ ಪೆಬ್ರವರಿ-2008 ರಿಂದ ಜುಲೈ-2017 ರವರೆಗೆ ಮಾಪಕ ಸ್ಥಿರಾಂಕ K=20 ಬಿಲ್‌ಗಳನ್ನು ಲೆಕ್ಕೀಕರಿಸಿ ಬಿಲ್ ಮೊತ್ತ ರೂ.3,57,808/- ಲೆಕ್ಕೀಕರಿಸಿ, ಪತ್ರ ಸಂಖ್ಯೆ:2770-73 ದಿನಾಂಕ:19-07-2017 ರಡಿಯಲ್ಲಿ ಗ್ರಾಹಕರಿಗೆ ನೋಟೀಸ್ ವಿತರಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ನೋಟೀಸಿಗೆ ಗ್ರಾಹಕರು ಆಕ್ಷೇಪಣೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಆಕ್ಷೇಪಣೆ ಅರ್ಜಿಯನ್ವಯ ದಿನಾಂಕ:22-11-2017 ರಂದು ಶ್ರೀಮತಿ ನಂದಾ ಮರಡಿ, ಸ.ಕಾ.ನಿ.ಇಂ(ವಿ) ಮಾಪಕ ಪರಿವೀಕ್ಷಣೆಯ ಉಪ ವಿಭಾಗ, ಹೆಸ್ಯಾಂ, ಧಾರವಾಡ ಮತ್ತು ಶ್ರೀ ಜಿ ಎನ್ ಬಾಸುತಕರ ಶಹರ ಉಪ ವಿಭಾಗ-1, ಹೆಸ್ಯಾಂ, ಧಾರವಾಡ, ಸಹಾಯಕ ಲೆಕ್ಕಾಧಿಕಾರಿ(ಪ್ರಾಭಾರಿ)ರವರ ಉಪಸ್ಥಿತಿಯಲ್ಲಿ ವಿಚಾರಣೆ ಕೈಗೊಂಡು ದಿನಾಂಕ:20-02-2018 ದಿಂದ Normal ಜಕಾತಿಯ ದರದಲ್ಲಿ ಕಂಡು ಹಿಡಿದು ಲೆಕ್ಕೀಕರಿಸಿದ ತಾತ್ಕಾಲಿಕ ಬಿಲ್ಲು ರೂಪಾಯಿ 3,57,808/- ವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ Under Protest ಅಥವಾ ಕಂತುಗಳಲ್ಲಿ ಪಾವತಿಸುವ ಅವಕಾಶದ ಸದುಪಯೋಗವನ್ನು ಪಡೆದುಕೊಂಡು ಗ್ರಾಹಕರು ಕಂದಾಯ ಕೊರತೆ ಮೊತ್ತವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಪಾವತಿಸಬೇಕೆಂದು ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ(ವಿ) ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-1, ಹೆಸ್ಯಾಂ, ಧಾರವಾಡರವರು ಆದೇಶ ಸಂಖ್ಯೆ:7078-80 ದಿನಾಂಕ:08-02-2018 ರಲ್ಲಿ ಅಂತಿಮ ಆದೇಶ ಹೊರಡಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಸದರಿ ಸ್ಥಾವರಕ್ಕೆ ಬೇಡಿಕೆಗೊಳಿಸಿರುವ ಮೊತ್ತವು ನಿಯಮಾನುಸಾರ ಸರಿ ಇರುತ್ತದೆ ಎಂದು ಸ.ಕಾ.ನಿ.ಇಂ(ವಿ), ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-2, ಹೆಸ್ಯಾಂ, ಹುಬ್ಬಳ್ಳಿರವರು ವಿಚಾರಣೆಯ ಸಮಯದಲ್ಲಿ ವೇದಿಕೆಗೆ ವಿನಂತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಮೇಲಿನ ಎಲ್ಲ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ Conditions of Supply of Electricity of Distribution Licensees in the Sate of Karnataka ರ ರೆಗ್ಯೂಲೇಷನ್ 29.08 ಪ್ರಕಾರ ನಿಗಮದಿಂದ ಆಕರಿಸಿರುವ ಹಿಂಬಾಕಿ ಬಿಲ್ ರೂ. 3,57,808/-ಗಳನ್ನು ವಿಧಿಸಿರುವುದು ನಿಯಮಾನುಸಾರ ಸರಿ ಇರುತ್ತದೆ. ಅಲ್ಲದೇ ಈ ಮೊತ್ತ ವಸೂಲಾತಿ ಮಾಡುವಲ್ಲಿ KERC, COS Regulation-29.03ಯನ್ನು ಪಾಲನೆ ಮಾಡಿರುವುದು ಸಹ ಕಂಡುಬರುತ್ತದೆ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ಗ್ರಾಹಕರು ಆಕ್ಷೇಪಿಸಿದ್ದು, ದಿನಾಂಕ:19-12-2017 ರಂದು ಉಪ ವಿಭಾಗದ ಕಛೇರಿಯಲ್ಲಿ ವಿಚಾರಣೆ ಕೈಗೊಂಡು ದಿನಾಂಕ:20-02-2018 ದಿಂದ Normal ಜಕಾತಿಯ ದರದಲ್ಲಿ ಕಂಡು ಹಿಡಿದು ಲೆಕ್ಕೀಕರಿಸಿದ ತಾತ್ಕಾಲಿಕ ಬಿಲ್ಲು ರೂಪಾಯಿ 3,57,808/- ವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ Under Protest ಅಥವಾ ಕಂತುಗಳಲ್ಲಿ ಪಾವತಿಸುವ ಅವಕಾಶದ ಸದುಪಯೋಗವನ್ನು ಪಡೆದುಕೊಂಡು ಗ್ರಾಹಕರು ಕಂದಾಯ ಕೊರತೆ ಮೊತ್ತವನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ಪಾವತಿಸಬೇಕೆಂದು, ಆದೇಶ ಸಂಖ್ಯೆ: 7078-80 ದಿನಾಂಕ:08-02-2018 ರಲ್ಲಿ ಅಂತಿಮ ಆದೇಶ ಹೊರಡಿಸಿ, ಗ್ರಾಹಕರಿಂದ ಒಟ್ಟು ಹಿಂಬಾಕಿ ಮೊತ್ತ ರೂ.3,57,808/-ಗಳನ್ನು ಪಾವತಿಸುವಂತೆ ಗ್ರಾಹಕರಿಗೆ ತಿಳಿಸಿರುವುದು ಸರಿ ಇರುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ಮೊತ್ತವನ್ನು ಗ್ರಾಹಕರು ಪಾವತಿಸಲು ಭಾಧ್ಯಸ್ಥರಾಗಿರುತ್ತಾರೆ



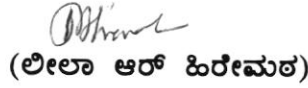
ಆದೇಶ ಸಂಖ್ಯೆ:ಅಇಂ(ವಿ)/ಉಲೆನಿ/ಹಿಸ-1/ಗ್ರಾಕುಂಕೊನಿವೇ/ಕಡತ-234/Cys-1100 ದಿನಾಂಕ:

ಗ್ರಾಹಕರ ಕುಂದು ಕೊರತೆ ನಿವಾರಣಾ ವೇದಿಕೆಗೆ ಆದೇಶ ಸಂಖ್ಯೆ ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಓ/13-14/ ಸಿವೈಎಸ್-769 ದಿ.16.07.2013 ರನ್ವಯ ಹಾಗೂ ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಓ/16-17/ಸಿವೈಎಸ್-3851 ದಿ.28.01.2017 ಮತ್ತು ಹೆಸ್ಕಾಂ/ಜಿಎಂ(ಟಿ)/ಇಇ-4/ಎಓ/15-16/ಸಿವೈಎಸ್-916 ದಿ.13.06.2018 ರನ್ವಯ ದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ ಈ ಕೆಳಗಿನಂತೆ ಆದೇಶಿಸಲಾಗಿದೆ.

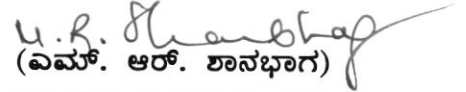
1. ಗ್ರಾಹಕರ ಮನವಿಯನ್ನು ಪುರಸ್ಕರಿಸಲಾಗಿಲ್ಲ.

  
(ರಾಮಪ್ಪ ಎನ್ ಎನ್)

ಉಪಲೆಕ್ಕ ನಿಯಂತ್ರಣಾಧಿಕಾರಿ  
ಹಾಗೂ ಗ್ರಾಕುಂಕೊನಿವೇ ಸದಸ್ಯರು  
ಕಾ ಮತ್ತು ಪಾ ವೃತ್ತ, ಹುಬ್ಬಳ್ಳಿ

  
(ಲೀಲಾ ಆರ್ ಹಿರೇಮಠ)

ಆಯೋಗದಿಂದ ನಿಯೋಜಿಸಲಾದ  
ಸದಸ್ಯರು.

  
(ಎಮ್. ಆರ್. ಶಾನ್ಭಾಗ)

ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರ(ವಿ)  
ಕಾ & ಪಾ ವೃತ್ತ, ಹೆಸ್ಕಾಂ, ಹುಬ್ಬಳ್ಳಿ  
ಹಾಗೂ ಅಧ್ಯಕ್ಷರು, ಧಾರವಾಡ ಜಿಲ್ಲೆ  
ಗ್ರಾ.ಕುಂ.ಕೊ.ನಿ.ವೇದಿಕೆ.

ಗೆ,

ಶ್ರೀ ಆನಂದ ಪುರಾಣಿಕ್,  
(R.R.No: MP 16172)

C/o, ತುಷಾರ ಎಂ ಬದ್ದಿ,  
ಅರಿಹಂತ ಪಾರ್ಕ್, ಕೇಶ್ವಾಪುರ, ಹುಬ್ಬಳ್ಳಿ.

“ನೊಂದಣಿ ಅಂಚೆ ಮೂಲಕ”

ಪ್ರತಿ:

1. ಮುಖ್ಯ ಇಂಜಿನಿಯರ(ವಿ), ಹುಬ್ಬಳ್ಳಿ ವಲಯ, ಹುವಿಸಕನಿ., ಕೇಶ್ವಾಪುರ, ಹುಬ್ಬಳ್ಳಿ-23 ಇವರ ದಯಾಪರ ಮಾಹಿತಿಗಾಗಿ.
2. ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು(ತಾಂತ್ರಿಕ), ಕಂಪನಿ ಕಛೇರಿ, ಹುವಿಸಕನಿ, ಹುಬ್ಬಳ್ಳಿರವರ ಆದರ ಪೂರ್ವಕ ಮಾಹಿತಿಗಾಗಿ
3. ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ(ವಿ), ಕಾ ಮತ್ತು ಪಾ ಶಹರ ವಿಭಾಗ, ಹುವಿಸಕನಿ., ಧಾರವಾಡ ಇವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ. ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.
4. ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ(ವಿ), ಕಾ ಮತ್ತು ಪಾ ಶಹರ ಉಪ ವಿಭಾಗ-1, ಹುವಿಸಕನಿ., ಧಾರವಾಡ ಇವರಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ.
5. ಮಹಾ ಕಡತ