

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM,
HESCOM, BELAGAVI**

-O-O-O-

CASE NO. 24/2021

BETWEEN :

1) Sri. Gourav. B. Shah,
R/o Seven Beans Restaurant
Nehru Nagar, Belagavi.

by Registered Post

Represented by
Sri. Tushar Baddi,
Arihant Park, Keshawapur,
Hubli.

.....Complainant.

V/S

1) Asst. Executive Engineer (Ele),
O&M City Sub-Division-3, HESCOM,
Belagavi.

.... Respondent.

Memorandum of complaint under section 42(5) of Electricity Act-2003 and under Clause No. 4.22 (f) of K.E.R.C. (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004 and Amendments 2013 :-

Brief History of the Case :

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- I. Sri. Gourav. B. Shah (henceforth to be referred as Appellant) has filed complainant before this forum on 16.08.2021 for having aggrieved because of receiving of a supplemental bill of Rs. 8,74,276/- on dated 22.07.2021.
- II. This forum has heard the case and has passed an Order Vide No. BGM/CGRF/SEE/DCA/AAO/SA-2/2021-22/7075-77 Dtd. 05.03.2022.

The said order is reproduced here under :

- 1) The Appeal Petition Dtd. 16.08.2021, filed by the complainant before CGRF HESOM Belagavi against the claim (made by respondent dated 22.07.2021) is hereby dismissed.
- 2) The Complainant is hereby directed to make payment of (Claims made by respondent on dated 22.07.2022) Rs. 8,74,276/- (Rupees Eight Lakh

o/c

Seventy Four Thousand Two Hundred Seventy Six Only) pertaining to R.R.No. CCL-25860 at the office of the respondent within 15 days, failing which the respondent is at liberty to take action as per HESCOM rules and as per revenue recovery act.

- III. Not satisfied by the Order Passed by CGRF HESCOM, Belagavi, Sri. Gourav. B. Shah has filed an appeal before H'ble Ombudsman KERC challenging the Order of CGRF vide Case No. OMB/H/G-490/2022 .
- IV. H'ble Ombudsman KERC have heard the Case and passed an Order Vide No. OMB/H/G-490/2022/D-126 Dtd. 23.09.2022.

The Order is reproduced as it is here:

The appeal filed by the Appellant / Complainant under Regulation 21.2 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004 is hereby allowed only to the extent as discussed in above paragraphs 51 & 52.

The order passed by the 2nd respondent / CGRF, Belagavi dated 05.03.2022 in Case No. 24/2021, order No. BGM/CGRF/SEE/DCA/AAO/SA-2/2021-22/7075-77 is hereby set aside, and the appeal is remanded back to the CGRF/2nd Respondent to take up the complaint/case as per the observations made in above paragraphs of the order and to provide necessary opportunity to both the parties to place their evidence or arguments and thereafter to dispose off the case in accordance with law.

The office is directed to comply the provision laid down in Regulation 22.7 of KERC (Consumer Grievance Redressal Forum and Ombudsman), Regulations 2004.

Further the office is directed to send a certified copy of this order to the H'ble Managing Director, HESCOM to take up necessary action as per observations made in Para 50 of the order and report the same.

- V. The paragraphs 51 and 52 are read as below :

Para-51 Coming to the next point i.e. the short claim demanded by the 1st Respondent as per final order dated 22.07.2021 for Rs. 8,74,276/- for a period from May-2016 to February-2021, the Respondent No. 1 in order to prove the amount demanded by him from the Appellant has produced copy of the statement of calculation i.e., the copy of the statement showing the details of meter constant omitted and revised bill from May-2016 to February-2021 and difference amount to be payable pertaining to the Appellant's installation. On perusal of this document, it appears in the first half left portion (already billed) the 1st Respondent has noted the consumption of electricity for all the months from May-2016 to February



2021 and prepared bills by taking constant K-01. Further, in revised (to be billed) portion of this document(right side second portion) he has mentioned total amount consumption of electricity by the consumer by applying constant K-10 for the same months, finally he has shown the difference amount payable by the Appellant i.e., Rs. 8,74,276/-. Of course, this document is not contested by the Appellant, but it is the duty of this Authority to see the correctness and genuinity of the documents produced before it. In that context, on perusal, in the top column 'to be billed' portion the 1st Respondent has shown meter constant twice and the entries made in Serial No. 50 to 58 are not tally with each other. Because in the left portion in some of the columns total consumption is shown in figures(non-zero) and in second portion in all the columns in Serial No. 50 to 57 is shown as zero. No explanation is given by the licensee in this regard, hence, this statement appears that it is not properly prepared. Therefore, in order to reach final conclusion, it is necessary the 1st Respondent has to re-prepare the statement and to produce. Likewise, on perusal of the copies of the rating reports dated 25.02.2016 and 15.01.2021 (as per Serial No. 15) the 'Remarks' of the signatory are absent and these columns are kept blank. In rating report dated 15.01.2021 it is mentioned that the rating carried out as per request letter dated 15.01.2021, but no such request letter is produced before this Authority to know what request has been made. The 2nd Respondent while passing impugned order it appears that he has not observed all these facts which are very much necessary for final adjudication. Therefore, it is a fit case to remand back to the 2nd Respondent / CGRF only to this extent by allowing the appeal with a direction to collect proper statement and any other documents if required from the 1st Respondent and to pass orders in accordance with law and to pass order in para 52 Hence acting under the provisions clause 22.5 of conditions of supply of Electricity of Distributions Licensees in the State of Karnataka. Prefer to remit back the case to the CGRF/2nd Respondent to look into the matter as per observations made by this Authority in the above paragraphs and to pass final order in accordance with law. With this point No.1 is answered accordingly.

Para-52: Hence, acting under the provisions Clause 22.5 of Conditions of Supply of Electricity of Distributions Licensees in the State of Karnataka, prefer to remit back the case to the CGRF/2nd respondent to look into the matter as per observations made by this Authority in the



above paragraphs and to pass final order in accordance with law. With this point No.1 is answered accordingly.

- VI. In Obedience to the order passed by H'ble Ombudsman KERC, this forum issued a notice to Sri. Gourav. B. Shah the appellant and to Asst. Executive Engineer(Ele.) O & M City Sub Division-3, HESCOM, Belagavi Vide Ltr. No. 5401-04 Dtd. 13.10.2022, requesting appellant and respondent to appear before the CGRF on 04.11.2022 and to put forth their says in respect of Para-51 and 52 of Order of H'ble Ombudsman.

The CGRF heard the case on 04.11.2022, Sri. Tushar Baddi was not present, hence next date was given on 18.11.2022.

The CGRF again heard the case on 18.11.2022 as scheduled, Sri. Tushar Baddi was not present, whereas he had forwarded a note to CGRF through E-Mail on 17.11.2022 Sri. Sanjeev Hammannavar, Asst. Executive Engineer(Ele.), O & M City Sub Division-3, HESCOM, Belagavi was present he saught time for submitting his replies.

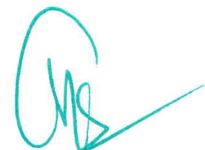
Hence the next hearing date was given on 30.11.2022 at 3.00pm. The CGRF sitting was further postponed to 02.12.2022 due to some administrative reasons.

- VII. Sri. Tushar M Baddi the representative of consumer Sri. Gourav B Shah has submitted a written memo before the forum on dated 17.11.2022. The highlights of the written memo are as below.

- a) In terms of para 49 and 50 of the order it is noted by the H'ble Electricity Ombudsman that the respondent licensee has failed to follow the clause 26.02 of KERC Conditions of Supply.
- b) In terms of Para 51 of the Order it is noted by the H'ble Electricity Ombudsman that the respondent licensee has failed to prepare the calculation sheet so as to ascertain the correctness and genuinity of the short claim amount.
- c) In terms of para 51 of the order it is noted by the H'ble Electricity Ombudsman that the respondent licensee has failed to produce the letter dated 15.07.2021 for which the rating is carried out.

Sri. Tushar M Baddi further writes " In view of the aforesaid paras it is here by humbly prayed to kindly adjudicate the matter on the lines of the order passed by the H'ble Electricity Ombudsman.

- VIII. Sri. Sanjeev Hammannavar Asst. Executive Engineer(Ele.) O & M City Sub Division-3,HESCOM, Belagavi Respondent has submitted his



written statement before CGRF on dated 02.12.2022. The highlights of the statement are as below.

ಗೌರವಾನ್ವಿತ ವಿದ್ಯುತ್ ಲೋಕಪಾಲರು, ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನಿಯಂತ್ರಣ ಆಯೋಗ, ಕರ್ನಾಟಕ ಸರ್ಕಾರವರು ಹೊರಡಿಸಿರುವ ಆದೇಶ ಸಂಖ್ಯೆ: OMB/H/G-490/D-126 dated: 23.09.2022 ರ ಪ್ರಾರಾ ಸಂಖ್ಯೆ:51 ಮತ್ತು 52ರಲ್ಲಿ ಹೇಳಲಾದ ವಿಷಯದ ಬಗ್ಗೆ ವಿವರಣೆಯನ್ನು ದಯಾಪರರ ಗಮನಕ್ಕೆ ಸಲ್ಲಿಸಿದೆ.

ಶ್ರೀ ಗೌರವ ಬಿ ಶಾಹ್ ಸ್ಥಾವರ ಸಂಖ್ಯೆ: CCL25860ರ ಮಾಪಕ ಗುಣಾಂಕ ಬಿಟ್ಟು ಬಿಲ್ಲು ಮಾಡಿರುವುದಕ್ಕೆ ಮಾಪಕ ಗುಣಾಂಕ K=10 ಎಂದು ಪರಿಗಣಿಸಿ ವ್ಯತ್ಯಾಸ ಬಿಲ್ಲು ಪಟ್ಟಿಯನ್ನು ಮಾನ್ಯ ಲೋಕಪಾಲರು ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನಿಯಂತ್ರಣ ಆಯೋಗ, ಕರ್ನಾಟಕ ಸರ್ಕಾರವರಿಗೆ ಸಲ್ಲಿಸಲಾಗಿತ್ತು. ಸದರಿ ವ್ಯತ್ಯಾಸ ಬಿಲ್ಲು ಪಟ್ಟಿಯಲ್ಲಿ ಹಾಗೂ ಇನ್ನುಳಿದ ವಿಷಯ ಕುರಿತು ಮಾನ್ಯ ಲೋಕಪಾಲರು ಆಕ್ಷೇಪಿಸಿದ ವಿಷಯಗಳಿಗೆ ಈ ಕೆಳಗಿನಂತೆ ವಿವರಣೆ ಸಲ್ಲಿಸಿದೆ.

1. ವ್ಯತ್ಯಾಸ ಬಿಲ್ಲು ಪಟ್ಟಿಯ "To Be Billed" ಭಾಗದ ಶೀರ್ಷಿಕೆಯಲ್ಲಿ ಮಾಪಕ ಗುಣಾಂಕ (Meter Constant) ಎರಡು ಬಾರಿ ತಪ್ಪಾಗಿ ನಮೂದಿಸಿರುವುದನ್ನು ಪರಿಷ್ಕೃತ ವ್ಯತ್ಯಾಸ ಬಿಲ್ಲು ಪಟ್ಟಿಯಲ್ಲಿ ಸರಿಪಡಿಸಲಾಗಿದೆ.
2. ವ್ಯತ್ಯಾಸ ಬಿಲ್ಲು ಪಟ್ಟಿಯ ಎಡಭಾಗದ ಕ್ರಮ ಸಂಖ್ಯೆ:50 ರಿಂದ 58ರ (ನಾನ್-ಝೀರೊ) ಹಾಗೂ ಬಲಭಾಗದ ಕ್ರಮ ಸಂಖ್ಯೆ:50 ರಿಂದ 57(ಝೀರೊ) ರಲ್ಲಿಯ ಸಂಖ್ಯೆಗಳು ಹೊಂದಾಣಿಕೆ ಇರುವುದಿಲ್ಲ ಎಂದು ಸ್ಪಷ್ಟೀಕರಣ ಕೇಳಲಾಗಿದೆ. ಸದರಿ ವಿಷಯ ಕುರಿತಂತೆ ಸ್ಪಷ್ಟೀಕರಣ ಈ ಕೆಳಗಿನಂತಿದೆ.

- ವ್ಯತ್ಯಾಸ ಬಿಲ್ಲು ಪಟ್ಟಿಯ ಕ್ರಮ ಸಂಖ್ಯೆ:50 ರಿಂದ 58ರ (ನಾನ್-ಝೀರೊ) ಎಂದು ಎಡಭಾಗದ ಕಾಲದಲ್ಲಿ ಮಾಪಕ ಓದುಗ, ಮಾಪಕ ಓದುವಾಗ ಮಾಪಕವು ಎಮ್.ಎನ್.ಆರ್ ಆಗಿರುತ್ತದೆ ಎಂದು ಸಿಂಪ್ಯೂಟರ್‌ನಲ್ಲಿ ದಾಖಲಾಗಿರುವುದರಿಂದ ಸರಾಸರಿ 161 ಯುನಿಟ್‌ಗಳನ್ನು ತೆಗೆದುಕೊಂಡಿರುತ್ತದೆ.
- ಸದರಿ ಸ್ಥಾವರವು ಕಡಿಮೆ ಬಳಕೆ ಆಕರಣೆ ಆಗುತ್ತಿದ್ದರಿಂದ ಸ್ಥಾವರವನ್ನು ದಿನಾಂಕ: 02.01.2021ರಂದು ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು ಹು.ವಿ.ಸ.ಕಂ.ನಿ ಜಾಗೃತದಳ ಪೋಲಿಸ್ ತಾಣೆ ನಗರ ಬೆಳಗಾವಿ ಪರಿಶೀಲನೆ ಮಾಡಿ ಸದರಿ ಸ್ಥಾವರದ ಗ್ರಾಹಕರು ಹೆಸಾಂನಿಂದ ಲೈನ್‌ಗೆ ನೇರವಾಗಿ ಹುಕ್ಕು ಹಾಕಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕವನ್ನು ತೆಗೆದುಕೊಂಡಿರುವುದು ಕಂಡು ಹಿಡಿದು ಅಪರಾಧ ಸಂಖ್ಯೆ:12021 ದಿನಾಂಕ:02.01.2021ರ ಪ್ರಕಾರ ದಿನಾಂಕ:13.01.2021ರಂದು ವರದಿಯನ್ನು ಕೊಟ್ಟಿರುತ್ತಾರೆ. 8640 ಯುನಿಟ್‌ಗಳಿಗೆ ನೇರ ಸಂಪರ್ಕದ ಪ್ರಕಾರ ಜಾಗೃತದಳದವರು ಹಿಂದಾಕರಣೆ ಮಾಡಲಾಗಿದೆ.
- ಬಲಭಾಗದಲ್ಲಿ ಕ್ರಮ ಸಂಖ್ಯೆ:50 ರಿಂದ 56ರವರೆಗಿನ ಕಾಲದಲ್ಲಿ ಮಾಪಕದ ಬಳಕೆಯನ್ನು '0' ಎಂದು ತೋರಿಸಲಾಗಿದೆ. ಏಕೆಂದರೆ, ಈಗಾಗಲೇ ಜಾಗೃತದಳ ಪೋಲಿಸ್ ತಾಣೆ ನಗರ ಬೆಳಗಾವಿ 8640ಯುನಿಟ್‌ಗಳಲ್ಲಿ ಸರಾಸರಿ 161 ಯುನಿಟ್‌ಗಳನ್ನು 7 ತಿಂಗಳ ಅವಧಿಗೆ ಒಟ್ಟು 1127 ಯುನಿಟ್‌ಗಳನ್ನು ಕಡಿಮೆ ಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ ಕಣ್ಣತಪ್ಪಿನಿಂದ 1127 ಯುನಿಟ್‌ಗಳು ಕಡಿಮೆ

ಮಾಡಿರುವುದಿಲ್ಲ, ಆದ್ದರಿಂದ ಬಲಭಾಗದ ಕ್ರಮ ಸಂಖ್ಯೆ:50 ರಿಂದ 56ರವರೆಗಿನ ಕಾಲನಲ್ಲಿ ಕ್ರೇಡಿಟ್ ನೀಡಲಾಗಿದೆ.

3. ದಿನಾಂಕ: 15.01.2021ರಂದು ಗ್ರಾಹಕರ ವಿನಂತಿ ಮೇರೆಗೆ ಸ್ಥಾವರದ ರೇಟಿಂಗ್ ಮಾಡಲಾಗಿದ್ದು, ರೇಟಿಂಗ್ ವರದಿಯಲ್ಲಿ ರಿಮಾರ್ಕ್ಸ್ ಕಾಲನಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯಾದ ರಿಮಾರ್ಕ್ಸ್ ನಮೂದಿಸಿರುವುದಿಲ್ಲ.
4. ಗ್ರಾಹಕರ ವಿನಂತಿ ಅರ್ಜಿ ಪ್ರತಿಯನ್ನು ತಮ್ಮ ಅವಗಾಹನೆಗಾಗಿ ಲಗತ್ತಿಸಿದೆ.
5. ಮಾನ್ಯ ಲೋಕಪಾಲರು ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನಿಯಂತ್ರಣ ಆಯೋಗ, ಕರ್ನಾಟಕ ಸರ್ಕಾರವರು ಗಮನಿಸಿದ ವ್ಯತ್ಯಾಸಗಳನ್ನು ಸರಿಪಡಿಸಿ ಮತ್ತೊಮ್ಮೆ ವ್ಯತ್ಯಾಸ ಬಿಲ್ಲು ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ, ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

IX. Upon going through the written memo/statement given by Sri. Tushar M Baddi the representative of the consumer and the statement given by Asst. Executive Engineer(Ele.), O & M City Sub Division-3, HESCOM, Belagavi the respondent and the directions given by H'ble Electricity Ombudsman KERC, the following points arise for our consideration.

The observations pointed out by the H'ble Electricity Ombudsman are persued.

- 1) Showing of meter constant twice by respondent- whether it affects the correctness of back billing.
- 2) In respect of cloumns in Sl. No. 50 to 57, the left portion of calculation sheet under the heading "Already Billed " there are figures; where as against the same Sl. Nos. under the heading "to be billed" there appear zeros.
 - a. Whether there is any calculation error?
 - b. Whether this affects the BBC?
 - c. Whether the respondent has reprepared this statement?
- 3) In respect of rating report of dated 25.02.2016 and 15.01.2021 (as per Serial. No. 15) the "Remarks" of the signatory are absent and columns are blank.

Whether it was necessary to write the remarks, and if yes whether writing such appropriate remarks would affect the Back Billing Charges.

1. In the rating reports dated 15.01.2021 it is mentioned that the rating was carried out as per request letter dated 15.01.2021, but no such request letter is produced to know what request has been made.
 - a. Whether such request letter is produced by the respondent?



- b. Whether the content of the request letter counters/agrees to the ratings carried out ?

Our answers to the above points are as follows :

Point No.1

- The respondent submits that the meter constant was shown twice in the calculation sheet by over sight, and it was a mistake. The revised calculation sheet is submitted.

Mentioning of meter constant twice in the calculation sheet has not effected the amount of BBC arrived.

Hence our answer to the first point is in negative i.e no, it has not effected the calculation , hence BBC figure remains same.

Point No.2

- a. Whether there is any calculation error.
b. Whether this effects the BBC calculated.

The figures are not correctly shown, **where as in total the amount of BBC claimed remains same.**

The forum came to above conclusion based on the following grounds.

1. The cloumns in Serial No. 50 to 57 in the left half portion of calculation under the heading "Already billed", the billed units are shown as 161 units per month. This happened so, because during this period the meter was reported as not recording and as per the procedure the average units of energy was billed at the rate of 161 units per month.

Where as in the right half portion of the calculation sheet against same serial Nos. the figures are shown zero, because during this period the said installation was inspected by the Vigilance wing and they found this consumer was committing theft of energy. hence this installation was back billed for 8640 units (for the period mentioned against columns 50 to 57). Hence this back billed energy units are not considered either in the left half portion or in right half portion of calculation where as " while Vigilance wing billed" the installation for 8640 units, they should have actually deducted the average units of energy claimed i.e., 161 units per month from the back billed units (8640 units) where as they have not done this at that time.

Hence the said error is corrected here, by way of showing zero under the heading of to be billed. That way the credit of 161 units per month is given to the consumer in this calculation.



Hence, it is opined that though the way the calculations are shown are not properly understandable, but the net result is, the figures shown in “to be billed “ and “already billed” portion have not effected the net calculation of the BBC.

2. The respondent have re-prepared the calculation sheet and have submitted-

It is verified and found correct (Enclosed Annexure-1)

3. In respect of Point 3, our finding is “Yes” the officer who prepared and signed the rating report should have written some remarks in the remarks column and, upon going through the rating report it is opined that writing of remark would not have effected the BBC.

The grounds on which forum came to such conclusion is .

The rating report under the heading calibration of meter says

(a) Test Meter error found = +0.02 and

(b) Test Meter error Left = 0.02.

Hence it can be inferred that there was no error found and left, hence as far as meter recording is concerned it was found OK. Hence the Conclusion.

4. In respect of point-4 Our observations are as below.

The request letter of the consumer is produced before the forum.

The consumer Mr. Gourav. B. Shah Prop.Seven Beans had given an application to Asst. Executive Engineer(Ele.), O & M City Sub Division-3, HESCOM, Belagavi requesting for reconnection of his installation R.R.No. CCL-25860 which was disconnected.

Consequent to the receipt of letter from the consumer, the Asst. Executive Engineer(Ele.) O & M City Sub Division-3, HESCOM, Belagavi (the respondent) has written a letter to Asst. Executive Engineer(Ele.) LT Rating Sub Division HESCOM,Belagaavi on Dated 15.01.2021 requesting him to calibrate the meter and to seal it so as to enable him to reconnect the installation.

Upon going through the application form and upon studying the contents it is opined that though the forum missed this point, but it has not effected the BBC claimed.

ORDER

NO: BGM/CGRF/SEE/DCA/AAO/SA-2/2022-23/

DATE 30 JAN 2023

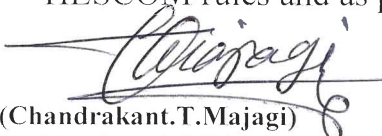
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The Appeal filed by appellant under regulation 21.2 of KERC CGRF and Ombudsman before H'ble Ombudsman was remanded back to this forum. This forum has called for the detailed statements etc., from the appellant and from

respondent, and reviewed it thoroughly in accordance with para 51 & 52 of the order of H'ble Ombudsman.

This forum as directed by H'ble Ombudsman KERC pass following orders.

1. The appeal petition dated 16.08.2021 filed by the complainant before CGRF HESCOM Belagavi against the claims (made by respondent) Dtd. 22.07.2021 is hereby dismissed.
2. The complainant is hereby directed to make payment of Rs. 8,74,276/- (The claim made by the respondent on dated 22.07.2021) pertaining to R. R.No. CCL-25860 at the office of Asst. Executive Engineer(Ele.) O & M City Sub Division-3, HESCOM, Belagavi within a period of 30 days failing which the respondent is at liberty to take action as per HESCOM rules and as per Revenue Recovery Act.


(Chandrakant.T.Majagi)
Member of CGRF,
Belagavi District
Nominated by KERC.,


(Giridhar Kulkarni)
Chairman of CGRF,
Belagavi District and
Superintending Engineer(Ele),
O&M Circle, HESCOM,
Belagavi.

Copy forwarded for information to :-

- 1) The H'ble Electricity Ombudsman KERC, Govt of Karnataka, No. 16C-1, Miler Tank Bed Area, (Behind Jain Hospital) Vasanthanaga, Bengaluru-560052.

Copy forwarded for information and needful to :-

- 1) The Executive Engineer (Elecl), O&M Urban Division, HESCOM, Belagavi.
- 2) The Asst.Executive Engineer (Elecl), O&M City Sub-Division-3, HESCOM, Belagavi is directed to take necessary action as mentioned in this order.
- 3) Sri. Gourav. B. Shah, CTS No. 4834/29, R/o Nehru Nagar, Belagavi .

