

BEFORE THE SUPERINTENDING ENGINEER(ELE) & CHAIRMAN, CONSUMER
GRIEVANCE REDRESSAL FORUM, O&M CIRCLE, HESCOM, NEHRU NAGAR,
BELAGAVI-590010

-O-O-O-

CASE NO. 27/2021

ORDER NO: BGM/CGRF/SEE/DCA/AAO/SA-2/2021-22/ 6894-96

DATE:

23 FEB 2022

BETWEEN :

1) Sri. Chandrashekhar. R. Shetty,
331/90/2, Plot No. 9,
Khanapur Road, Udyambagh,
Belagavi.

.....Complainant.

AND

1) Asst. Executive Engineer (Ele),
O&M City Sub-Division No. 2, HESCOM,
Belagavi.

.... Respondent.

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

Sri. Chandrashekhar. R. Shetty running Commercial activities (Hotel) in his property No. 331/90/2, Plot No. 9, Khanapur Road, Udyambagh, Belagavi (availed power supply vide R. R. No. 62.735 W), has received a Back Billing against his said R. R. No. from O/o Assistant Executive Engineer(Ele.,) City Sub Division No-2, HESCOM, Belagavi on Dated 26.10.2021 claiming Back Billing Charges, Agrieved by it, he filed a complaint before this forum as his installation comes in the jurisdiction of CGRF Belagavi District as per KERC Amendment 2013 and O.M No:HESCOM/GM(T)/EE-4/ AO/13-14/CYS-769, Date: 16-07-2013 issued by the Corporate office, HESCOM, Hubballi.

(1) Brief history of the case :-

1. The Complainant Sri. Chandrashekhar. R. Shetty has availed power supply under commercial tariff, Vide R. R. no. 62.735 W ID No.

4408863000 installation with Sanctioned Load of 12KW. to run his business.

2. The LT Rating Sub Division Assistant Executive Engineer(Ele), O & M City Sub Division, Belagavi During his routine inspection has visited the installation of the complainant on 09.09.2021 .
3. The LT Rating Sub Division Assistant Executive Engineer(Ele), has calibrated the energy meter fixed to the said R. R. No. and found the meter recording was 44.70 % slower.{ The meter test report to this effect showing meter recording 44.70% slower is recorded by Assistant Executive Engineer(Ele.)LT Rating on the spot).
4. Further Assistant Executive Engineer(Ele.) LT Rating noted that the complainant is using the electricity for construction purpose also. Assistant Executive Engineer(Ele.)LT Rating recorded the load of equipment as 4.5 KW (Being utilized for construction purpose.)
5. The Assistant Executive Engineer(Ele.)LT Rating Sub Division has sent his inspection report vide letter no:70488 dated 09.09.2021 to Assistant Executive Engineer(Ele.)O & M City Sub Division No-2, HESCOM, Belagavi city for taking further action.
6. Consquent to receipt of report from Assistant Executive Engineer(Ele.) LT Rating Sub Division, Assistant Executive Engineer(Ele.)O & M City Sub Division No-2 Belagavi has prepared Back Billing as follow.
 - a. Back Billing of Rs. 55952/-is claimed (due to slow recording of meter).
 - b. Back Billing of Rs. 45319/- is claimed (due to misuse of tariff i.e utilization of Electricity for construction purpose).
7. Further the Assistant Executive Engineer(Ele.) O & M City Sub Division No-2 Belagavi, (hence forth called as respondent) has served a notice vide letter no:3411-13 dated:21.09.2021 to consumer (hence forth called as complainant) asking him to pay Rs. 55952/- towards less billed (Slow Recording) amount and to pay Rs. 45319/- towards utilization of Electricity for construction purpose.
8. The Complainant has objected to the bill (BBC) claimed by respondent vide his letter No. 1742 and 1745 Dtd. 30.09.2021.
9. The respondent has called complainant and Assistant Executive Engineer(Ele.) LT Rating on Dtd. 13.10.2021 for hearing. During this hearing the complainant has produced documentary proof for

having utilized electricity for construction purpose only for two months.

Upon hearing the complainant and upon considering the facts the respondent himself being assessment officer for his jurisdictional area, has reduced the Back Billing pertaining to utilization of Electricity for construction purposes to Rs. 17665/- (taking energy consumption of two months only)

10. Hence, the respondent has sent revised BBC of Rs. 55952/- (due to slow recording) and Rs. 17665/- (Use of Electricity for construction purpose vide letter No. 4351-53 Dtd. 26.10.2021).

11. Agrieved by the BBC claimed by the respondent vide Ltr. No. 4351-53 Dtd. 26.10.2021, the complainant has filed an appeal petition dtd. 11.11.2021 before this forum through Sri. Prabhakar Nagaramunavalli . as representative.

I. **The complainant has contested the Back Billing claimed on 26.10.2021 on following grounds .**

- a) The Complainant requested for referring the meter slow recording to the third party, as he doubts the testing by Assistant Executive Engineer(Ele.) LT Rating.
- b) The complainant contests that as per KERC code 12.02 (a) the utilization of Electricity within the premises, for bonafide use is permitted, (subject to the condition that the load used shall be within sanctioned load of installation) hence BBC claimed by respondent is illegal.

II. **The respondent has defended his case on following grounds.**

a) The respondent has referred the meter testing to third party i.e. Govt Electrical Inspector. The Electrician Inspector, Govt Electrician Inspectorate has tested / calibrated the meter on dtd. 17.01.2022 in presence of representative of complainant Sri. Prabhakar Nagaramunavalli and in presence of (1) Executive Engineer(Ele.) MRT, Belagavi (2) the respondent. The respondent produced the test report (showing the testing results) of Electrician Inspector, where in the report confirms that the meter was actually recording 44.70% slower. Hence respondents claims, that the BBC of Rs. 55952/- claimed against slow recording of the meter is correct one.

- b) The respondent in his written argument submitted before the forum has reproduced the KERC Code 12.02(9) the code says.
- I) Use of power within the consumers premises for temporary purpose for bonafide domestic use is permitted subject to the condition that the total load of the installation on the system does not exceed the sanctioned load.
- II) Where it is intended to use floor polishing equipment and such other portable equipments temporarily in a premises having permanent supply such equipment shall be provided with an earth leakage circuit breaker.

The respondent argues that the complainant has utilized Electricity for the purpose of construction of one more floor on the existing building, hence this is not a bonafide utilization of Electricity hence complainant can't get the benefit of KERC Code- 12.02(9), that's why the BBC claimed of Rs. 17319/- is correct one.

The issues before the commission are

1. The BBC claimed against slow recording of meter of complainant, after getting it re-tested by Electrical Inspector is in concurrence with the result of report of AEE(Ele) Lt Rating or not.

The Answer to this is - affirmative i.e. Yes it is in concurrence

As the complainant too has not contested against the report given by Electrical Inspector, and since meter was recording less, where as complainant has utilized the Electricity. Hence the forum is of the opinion that the BBC claimed on account of slow recording of meter of complainant is correct one.

1. The Second issue before the forum is whether complainant can be given the benefit of kERC Code 12.02(9).
- Our answer to this is negative

1. The respondent has argued that the complainant was using Electricity for construction of one more floor upon his existing building and hence it was not a bonafide use of Electricity, where as the complainant has not contested to the point that complainant was using electricity for construction of another floor over his existing building, rather the

representative of the complainant argues that the complaint was using Electricity for renovation and for construction purpose, meaning that the complainant agrees that he has used Electricity for construction of one more floor upon his building.

As seen from the provision of KERC Code 12.02(9), an example of polishing machine is given, and hence bonafide utilization means consumer using the electricity for any renovation works or repair works of existing structure of premises.


Where as in the present case the Electricity is being utilized for construction of another floor, hence complainant can't get the benefit of KERC Code -12.02(9).

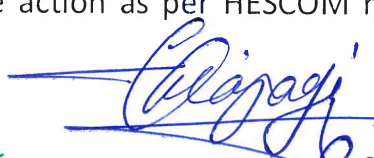
In view of above points, the CGRF., O&M Circle, HESCOM, Belagavi do hereby pass the following order.

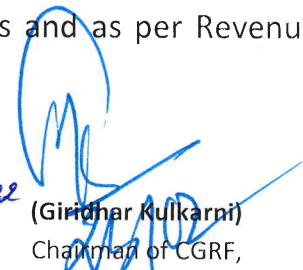
ORDER

(1) The Appeal Petition dated 11-11-2021 filed by the Complainant before CGRF, O&M Circle, HESCOM, Belagavi against the Back Billing Claims dated 26-10-2021 is hereby dismissed.

(2) The Complainant is hereby directed to make payment in respect of BBC Claim of Rs. 55952/- and Rs. 17665/- pertaining to R. R. No. 62.735 at the office of the Respondent within 15 days, failing which the Respondent can take action as per HESCOM rules and as per Revenue Recovery Act.


(Shareefuddin Ahmed)
Member of CGRF,
Belagavi District and
Deputy Controller of Accounts,
O&M Circle, HESCOM, Belagavi.


(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 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 No. 2, HESCOM, Belagavi is directed to take necessary action as mentioned in this order- The respondent.
- 3) Sri. Chandrashekhar. R. Shetty, 331/90/2, Plot No. 9, Khanapur Road, Udyambagh, Belagavi - The Complainant.