

STATE ELECTRICITY OMBUDSMAN

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APPEAL PETITION NO. P /262/2011.

Present: T.P. Vivekanandan

Appellant : Mr. Jyothi Prasad P
41/81-A, 'Jyothi', Mullassery canal road,
Kochi – 682011

Respondent : The Assistant Executive Engineer,
Electrical Sub Division, KSEB,
College, Ernakulam.

ORDER.

Background of the Case: -

A domestic electric connection was given to the appellant on 1/10/2010 with consumer No. 12703, under Electrical Sub Division, College, Ernakulam. Subsequent monthly bills are issued to the consumer in the name of "JJYOTHI PRASAD" instead of "P.JYOTHI PRASAD". The appellant had given a request dated 30/11/2010 addressed to the Asst. Executive Engineer to correct the name as "P. Jyothi Prasad" in all related records. As his name was not corrected even in the bill dated 3-10-2011, the consumer filed a petition before CGRF, Ernakulam with request to change the name correctly and for awarding compensation, as per the guidelines under standard of performance issued by KSERC. The CGRF had dismissed the Petition on the ground that the respondent had taken corrective action without delay when he became aware of the mistake. Aggrieved by the decision of CGRF, the appellant has submitted the Appeal petition before this Authority.

Argument of the Appellant: -

The appellant has adduced the following arguments in his petition.

The Forum has taken a highly prejudiced, partisan, erring and totally illegal view in deciding the matter. The appellant is under no obligation to make follow ups, once the request is lodged. The KSEB or KSERC do not insist that after lodging the complaints, the consumers need to make follow ups to superior officials to get their grievances redressed. It is the duty and responsibility of the concerned authority to take action, once he receives the request. The appellant challenges the findings of the Forum that "the respondent was totally unaware and this caused extended delay in taking corrective action" is silly and makes no sense at all. The arguments of the appellant are

1) The Forum did not record the statements of the hearing. 2) The Forum did not allow to cross examine the respondent. 3) The Forum seems to be in a hurry to acquit the respondent and 4) The findings of the Forum is destroying the spirit and motive of the 'standards of Performance'.

Arguments of the Respondent: -

The respondent has submitted the statement of facts opposing the contentions raised by the appellant.

According to the respondent the name of the appellant was wrongly shown in the bill due to some error happened during the data entry and affirmed that the mistake was not intentional. Further, the respondent confirmed that no complaint regarding the name printed in the bill was received from the appellant in his office. After noticing the mistake from the complaint raised by the appellant before the CGRF, the correction was made in all records in the same day itself after verifying the service connection and connected papers. Hence the complaint was redressed in the same day itself when came to know. The respondent submits that this complaint did not come under the clause serial no. 11 of the standard of performance. Another submission is that there is no deficiency of service has taken place on his part and the appellant has not suffered any loss due to the action of the respondent and as such no compensation is payable.

Analysis and Findings: -

A hearing of the Case was conducted in my chamber at Edappally, Ernakulam, on 26.09.2012. The appellant, Sri. P Jyothi Prasad and the respondent, Sri. Ramesh Babu, the Asst Exe. Engineer, Electrical Sub division, College, were present and argued the case on the lines stated above. On perusing the Appeal Petition, the statement of facts filed by the Respondent, the arguments of both sides in the Hearing done on 11.01.2012 and considering the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decisions.

During the hearing of the case, the appellant stated that, this petition is his second one filed, against the Electrical Section Office and he has no more arguments, in addition to the arguments put in his petition. He has filed the complaint before the respondent and has noted down the fact in his diary. On the other hand the respondent disapproves the receipt of any complaint. The consumer does not have any receipts, obtained from KSEB to produce as document, towards the filing of his complaint, except the notes made in his Diary.

There are two numbers reliefs sought by the petitioner before the CGRF. One is to get the name corrected in all the records and the second one is to award compensation for the deficiency on the part of the respondent in correcting the omission on time. The first grievance has already been redressed after filing the Complaint before the CGRF. Hence *the point for decision is "whether the appellant is eligible for any compensation, for deficiency of service from the part of Licensee, by delaying the request of the consumer, for correcting the name in the bill"*.

The appellant has claimed that on 30/11/2010, he had addressed the Asst. Executive Engineer for correction of his name as "P. Jyothi Prasad" instead of 'JJyothi Prasad'. But the respondent denied the receipt of any such letter in his office. The appellant has neither produced a copy of the letter dated 31/11/2010 nor any evidence like acknowledgement to prove his claim. The version of the appellant may be correct, but it has to be confirmed that the complaint Notice

given, has reached the addressee, the respondent. Without any evidence to establish the same, this Authority finds it difficult to concur with the Appellant's view of deficiency of service. Hence the appellant's request for Compensation is denied, as the case of deficiency in the service to the consumer from the respondent's side, has not been proved.

The case of the appellant is a simple matter, the correction of the spelling of his name (removal of the doubling of the first letter of the consumer's name and instead adding his initial), which can be redressed easily. The respondent's version that the data entry made in the Computer Database went wrong and rectified on bringing to his attention, seems to me as a genuine one and does not reflect any malafide intention. It is a normal and common practice to take some follow up action in certain matters by the consumers. Moreover, the consumer did not press the issue, but wanted to high light that, all is not well with the Section office functioning and it is his second complaint.

DECISION: -

The grievance of the consumer stands redressed now i.e. the correction in the Spelling of the consumer's name and inclusion of the initial has been done by the respondent, and the running bills are issued in proper Name. No purposeful lapse or the deficiency in service from the side of the respondent, in carrying out the request of correction in the Name, is proved. Hence the Appeal Petition is disposed of as it is not found having merits. No order on costs.

Dated the 29th of January, 2013.

Electricity Ombudsman.

Ref No: P/ 262/ 2012/1558 / Dated 29.01.2013.

Forwarded to : 1). Sri. P Jyothi Prasad,
41/81-A, 'Jyothi', Mullassery Canal road,
Kochi – 682011
: 2). The Assistant Executive Engineer,
Electrical Sub Division, KSEB,
College, Ernakulam.

Copy to: : 1). The Secretary, Kerala State Electricity Regulatory Commission,
KPFCBhavanam, Vellayambalam, Thiruvananthapuram-10.
: 2). The Secretary, KSEB,
Vydhuthibhavanam, Pattom, Thiruvananthapuram-4.
: 3). The Chairperson, Consumer Grievance Redressal Forum,
KSEB, Power house Bldg, Cemetery mukku, Ernakulam-682 018.