

**Before the Karnataka Electricity Regulatory Commission, Bangalore**

**Dated this the 9<sup>th</sup> day of October, 2003**

**Present**

- |                                  |          |                 |
|----------------------------------|----------|-----------------|
| <b>1. Sri. Philipose Matthai</b> | <b>-</b> | <b>Chairman</b> |
| <b>2. Sri. H.S. Subramanya</b>   | <b>-</b> | <b>Member</b>   |
| <b>3. Sri. S.D.Ukkali</b>        | <b>-</b> | <b>Member</b>   |

**CaseNo.OP- 30/2003**

**Between**

The Nurserymen Co-operative Society Ltd.,  
Lalbagh,  
Bangalore -560 004  
By its secretary Sri Jayarame Gowda

**Petitioner**  
(By Sri Ganesh Thampi Adv.)

**and**

1. Managing Director,  
KPTCL  
Cauvery Bhavan,  
Bangalore.
2. Asst. Exe. Engineer, (Elec),  
SSD - 2, BESCO,  
Wilson Garden,  
Bangalore

**Respondents**  
(By Sri. S.S.Nagananda, Adv.)

The petitioner is seeking reclassification of nurseries from LT-3 to LT-4D, on par with the agriculturists, in the Tariff order -2003. In addition he has a complaint against the second respondent that he is not raising proper bills for the energy consumed by the society. The facts of the case, in brief, are as follows:

- (i) The petitioner collects the horticultural plants from the private nurseries and sells it to the general public at Lalbagh. 95 % of the proceeds go to the private nurseries and only 5% is retained by the society as service charges. The petitioner claims that the society is not run on commercial lines and is service oriented. The petitioner claims further that the agriculturists who use more power and sophisticated technology are classified under LT-4D category but the nurseries are classified under LT-3

category. The petitioner had filed objections at the time of tariff formulation and was heard by the Commission.

(ii) The petitioner states that he was served with a bill of Rs.65, 089/- initially by the 2<sup>nd</sup> Respondent and he later revised it to Rs.37, 546/-. The petitioner had complained to the Managing Director, BESCO. The M.D. has rejected the application and directed the petitioner to pay Rs. 65, 089/-. Thus, he claims that there is no consistency in the billing.

2. The Respondents have put in appearance and have filed detailed statement of objections. The Respondents have restricted their objections to the reclassification issue and have argued that the petitioner had participated in the Tariff Proceedings and that the Commission has discussed the very point raised by the petitioner in the Tariff order. They have pointed out that the present petition does not seek a review of the Tariff Order and is not maintainable at this point of time. However the Respondents have not commented on the billing issue raised by the Petitioner.

3. We have heard the Counsels for the petitioner and the respondents. The learned Counsel for the petitioner has stated that his main plea is for proper billing and for reclassification. The Commission brought to the notice of the Counsel for the petitioner that the request for the reclassification has already been dealt in the Tariff Order 2003 and a decision has been taken, and that he will have to urge this point at the time of next tariff revision only. The Counsel for the respondent also agreed at the suggestion of the Commission and undertook to impress upon his clients, the need for presenting proper bills to the petitioner. The Respondents will take necessary follow-up action immediately and present correct bills to the petitioner. The petition is disposed accordingly. So ordered.

**(Philipose Matthai)**

**(H.S.Subramanya)**

**(S.D.Ukkali)**