

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

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

**Present**

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

**CaseNo.OP- 33/2002**

**Between**

Mr. Mohammed Kasim s/o Sabu Saheb,  
#158, Manjunath Nagar,  
Old Guddadahalli,  
Mysore Road,  
Bangalore - 560 026.

**Petitioner**

(By Mr. M.A.Khan, Adv.)

**and**

1. Managing Director,  
BESCOM  
K.R.Circle,  
Bangalore - 1.
2. Asst.Exe.Engineer (Elec.),  
BESCOM  
W - 3 Sub-division,  
Magadi Road,  
Bangalore - 560 023.
3. Exe. Engineer (Elec),  
Bescom  
West Division,  
I Main, Chamarajpet,  
Bangalore - 560 018.

**Respondents**

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

This case was earlier dismissed for default in pursuing, on 29<sup>th</sup> May 2003; however, we have revived it on hearing the learned Counsel for petitioner. The essential facts of this case may be briefly stated as below:

The petitioner is a registered consumer bearing RR No. EH 14285. The installation was serviced on 6.2.1998 with a sanctioned load of 2 kW. The Petitioner claims that the shop was closed for 6 to 7 months and he did not receive any bills. A Junior Engineer of Respondent - 2 inspected the premises and thereafter the installation was disconnected and a bill for Rs. 13,450/- was served on the petitioner. On application by the petitioner, the Respondent - 2 got the meter checked and replaced it on 1.7.1999. The petitioner paid 25% of the bill amount and contested it before the 1<sup>st</sup> Appellate Authority. The appeal of the petitioner was dismissed on 29.8.2001. The petitioner claims that it is an *exparte* order and has been made without giving him opportunity. The petitioner did not prefer second appeal and has filed this petition before this Commission.

3. The Respondents have put in appearance and have filed detailed statement of objections. The following objections are raised:

(i) The Petitioner has not cited the provision of law under which the petition is filed.

(ii) The Petitioner is billed for actual consumption and it is not a back bill as claimed.

(iii) The petitioner did not attend the hearing before 1<sup>st</sup> Appellate Authority, though 12 opportunities were given. Therefore, the *exparte* order was passed.

(iv) The petitioner has not preferred 2<sup>nd</sup> Appeal hence the order on the 1<sup>st</sup> appeal has become final. The petitioner has not made out any case.

4. The learned Counsel for the petitioner has filed his written arguments. In the written arguments, the learned Counsel for the Petitioner states that the meter at the time of inspection by the Junior Engineer was not faulty and was unnecessarily replaced by the Respondents. He claims that no energy was consumed when the door was locked and the ledger entries are not reliable. He

contended that the Petitioner was not given proper opportunity by the First Appellate Authority and the petition was dismissed.

5. Sri S.Sriranga, learned Counsel for the Respondents argued the case and stated that the Petitioner has not made out any case before the Commission. He claimed that the Petitioner is a habitual absentee and this case was also dismissed for non-appearance. He further claimed that the meter was changed at the instance of the Petitioner who was blaming the meter for the recorded consumption at the period when the premises were under lock.

6. We have carefully considered the various issues raised before us. The first Appellate Authority passed an ex parte order on the appeal of the Petitioner after giving him 12 adjournments. The Petitioner ought to have put up his case when he was called. He cannot blame the Authority for passing an ex parte order. The Petitioner is not ready to believe the ledger entries and claims that the Respondents are out to harass him. We do not find any merit in the case of the Petitioner.

7. We, therefore, hold a view that this is not a fit case to intervene by exercising the suo motu powers under regulation 44.10 of the K.E.R.C. (E S & D) Code 2000-2001. The petition is dismissed. Ordered accordingly.

**(Philipose Matthai)**

**(H.S.Subramanya)**

**(S.D.Ukkali)**