

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

**Dated this the 30<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- 37/2003**

**Between**

M/s Shiva Oil Industries,  
Challakere,  
Chitradurga Dt.

**Petitioner**

(By Sri A.V.Amaranathan, Adv.)

**and**

1. The Executive Engineer (Elec),  
Bescom,  
Chitradurga
2. Asst. Exe. Engineer (Elec),  
Challakere,  
Chitradurga Dist.
3. Managing Director,  
Bescom.  
K.R.Circle,  
Bangalore

**Respondents**

This case was posted for admission and the learned Counsel for the petitioner was heard. Sri Amarnathan, learned Counsel for petitioner, traced the brief history of the case and stated that the presiding officers of the Appellate authorities should be empowered to decide on the quantum of back bill to be deposited prior to the appeals are taken up for hearing by them. He argued that Regulation 44.01 and 44.05 of the KERC (E.S.&D) Code 2000-1 requires amendment to that effect.

2. The petitioner's claim is considered carefully. The KERC (E.S & D) Code 200-1 was amended with effect from 29<sup>th</sup> March 2001 by KERC (E.S&D)(Amendment) Code, 2001 dated 29<sup>th</sup> Nov 2001. Regulation 44.01 of the Code was amended through this Amendment Code and a provision has been made so that the Apex body of the licensee, if approached, could reduce the amount to be deposited, based on the merits of the case.

3. In view of the foregoing reason, the petition before us does not subsist and is, therefore, **not admitted**. So ordered.

**(Philipose Matthai)**

**(H.S.Subramanya)**

**(S.D.Ukkali)**