

Before the Karnataka Electricity Regulatory Commission, Bangalore

Dated this the 20th day of May, 2004

Present

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

CaseNo.OP- 05/2004

Between

M/s Saravana Alloy Steels (P) Ltd.,
21/D Industrial Suburb, 2nd Stage,
Yashavanthpur,
Bangalore - 22.

Petitioner

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

and

Managing Director,
BESCOM,
K.R.Circle,
Bangalore - 1.

Respondant

(By Sri S. Sriranga, Advocate)

The Petitioner is a registered industrial consumer bearing RR No.N4 HT-99 of the Respondent. For the purpose of tariff, the petitioner is classified as HT 2(a). In the Tariff Amendment Order 2003, the Commission has approved the Special Incentive Scheme for the benefit of the High Tension industrial consumers at the rate of Rs.3.80 per unit. The petitioner is a beneficiary under this scheme and has utilised bulk energy under this scheme. The petitioner has contested the calculation of base consumption in this petition.

2. The Petitioner claims that he has been the beneficiary of special incentive schemes from the inception and that his base consumption was fixed at 9,69,975 units when the unit rate was Rs.3.50. The petitioner claims that the Respondent withdrew the special scheme abruptly from 1.11.02 and it was reintroduced with unit rate of Rs.3.80 per unit with Tariff Amendment Order 2003. The petitioner alleges that the Respondent has fixed the base consumption at 31,95,135 units based on the average monthly consumption from December 2002 to November 2003. The petitioner contends that this increase in the monthly energy consumption is only due to the special scheme and requests that his base consumption be fixed at the same level when the scheme was in force earlier, i.e., 14,69,935 units.

3. We have heard the Counsels for the Petitioner and the Respondent. The Counsel for the Petitioner argued that the increase in the base consumption of his industrial concern was due to the special scheme and therefore his base consumption should be fixed at the earlier figure of 14,69,975 units and not the average monthly consumption from December 2002 to November 2003, i.e., 31,95,155 units.

4. The Counsel for the Respondent pointed out that there was no special scheme in operation between December 2002 to November 2003 and therefore the contention of the petitioner that the increase in the monthly energy consumption was due to special scheme is incorrect and that the Respondent has calculated the base consumption correctly in accordance with the scheme approved by the Commission in the Tariff Amendment Order 2003.

5. We have carefully considered the issues put forth by both the Counsels. It is a fact that the earlier special scheme, which was at the rate of 3.50 per unit, was withdrawn by the Respondent with effect from 1.11.2002 and this scheme was revived after the Tariff Amendment Order 2003 was passed and the Special Scheme was revised at the rate of Rs.3.80 per unit. Thus there was no special scheme in operation between 1.11.02 and 1.11.03. Therefore it is difficult to appreciate the contention of the Petitioner that the increase in the monthly

energy consumption of his unit was due to the special scheme. The Respondent has rightly calculated the average monthly consumption from 1.12.2002 to 30.11.2003, as prescribed in the Tariff Amendment Order, 2003, and has fixed the base consumption at 31,95,135. The Respondent has intimated the same through his letter-dated 3.1.04 to the Petitioner. Therefore we do not find any merit in the case of the Petitioner. The other points urged by the Petitioner are not relevant to the calculation of base consumption of the Petitioner. Therefore we have no hesitation in dismissing the petition before us.

6. The petition is **dismissed**. Ordered accordingly.

(Philipose Matthai)

(H.S.Subramanya)

(S.D.Ukkali)