

Before the Karnataka Electricity Regulatory Commission, Bangalore

Dated this the 3rd day of March 2005

Present

1. Shri K.P.Pandey ... Chairman
2. Shri H.S.Subramanya ... Member
3. Shri S.D.Ukkali ... Member

Case No. OP 17/2004

Between

Shri T.N.Jaratarghar,
C/o N.D.Jartarghar & Brothers
Bankapur Chowk, Islampur Road,
HUBLI 580 024.

... **Petitioner**

(Represented by Shri Ramesh Deshpande, Hubli)

And

1. Managing Director,
HESCOM, 2nd Floor,
Eureka Junction,
Hubli 580 029.

2. The Assistant Executive Engineer (Elect)
O & M Rural Sub-Division,
HESCOM, Tabib Land, HUBLI.

3. The Superintendent Engineer (Elect)
O & M Hubli Circle,
HESCOM, Tabib Land, HUBLI.

... **Respondents**

(Represented by M/s Sundaraswamy Ramdas & Anand, Advocates)

The petitioner is a registered consumer of RR No.KGMP-31 having sanctioned load of 97 HP. The petitioner is a partner in the firm of M/s T.N.Jaratarghar and Brothers. The said firm is stated to be manufacturing POHA and is also owning a rice mill. The petitioner has filed the present petition challenging the order dated 30.6.04 passed by the First Appellate Authority rejecting the appeal filed by the petitioner and confirming the back billing charges of Rs.1,37,161.75. The facts of the case as stated by the petitioner are briefly as under:

2. The petitioner's installation is being regularly read by the Section Officer on the first day of every month. The AEE, LT Meter Rating, Hubli Rural Division, HESCOM inspected the installation on 29.4.03 and submitted his rating report No.3296 to the AEE (Ele.), O & M Rural Sub Division, HESCOM. Based on the above rating report, a back bill for Rs.1,37,161.75 was prepared and sent to the petitioner vide letter No.754-758 dated 19.5.03. Aggrieved by the above order an appeal was filed by the petitioner before the Appellate Authority, i.e., S.E.(Ele.), O & M, Hubli Circle after duly depositing 25% of the BBC amount on 17.6.03. The Appellate Authority after hearing the representatives of both the parties has passed the order on 30.6.04 vide order No.3629-33 rejecting the appeal. Following the receipt of this order the AEE, Rural Sub Division, Hubli has by his letter dated 2.8.04 addressed to the Petitioner demanded payment of the balance amount of Rs.1,11,101.75, which is inclusive of interest payable for a period of 120 days.

3. The petitioner has filed appeal to the Commission against the order of the First Appellate Authority. The petition was admitted for hearing and the representatives of the petitioner as well as the respondents were heard.

4. It is pleaded by the petitioner that the Inspecting authority has not conducted the test of the meter properly and therefore the rating report is faulty and defective. The meter was recording the correct consumption of power and therefore the allegation of the slow recording of the meter has not been proved. It is also alleged that no mahajar was prepared on the inspection and the print outs of the meter taken were not given to the petitioner. As there was no defect in the meter and the meter was not tampered with, preparation of the back bill based on the faulty rating report is unsustainable. The petitioner thus pleads for cancellation of the back bill issued by the respondent.

5. The representative of the respondent has refuted the contentions of the petitioner by stating that all due procedures were followed in conducting inspection of the meter and the back billing charges have been rightly demanded by the respondent. It is elaborated that the petitioner's installation was back billed from 4.12.02 to 29.4.03 based on physical inspection of the meter by the inspecting staff. The

petitioner is disputing the correctness of the meter now only before the Commission. He could have approached the CEIG immediately after his meter was inspected to establish the correctness of the meter. Infact the petitioner has always been maintaining that the meter is in tact and the rating report is wrong. Based on the above, the Respondent has pleaded for the rejection of the petition.

6. We have considered the contentions raised by both the parties. It is not in dispute that the said installation was inspected by the AEE (Ele.), Hubli on 29.4.03 and it was noticed that the meter was not recording the correct consumption of the power due to internal fault of Y-phase P.C. and neutral wire of ETV meter. Based on the said inspection, the faulty recording of the meter to the extent of 47.32% was recorded and the rating report dated 29.4.03 was prepared and a copy of the same was given to the petitioner. This is evident from the copy of the rating report filed. The petitioner having disputed the accuracy of the results of testing of the meter should have applied to the Electrical Inspector under Section 45(iii) of the ES & D Code, 2000-01. He has failed to do so. Hence the petitioner cannot raise this plea now before the Commission. The Appellate Authority which has considered the rating report and the submissions made by the Petitioner as well as the Respondent, has confirmed correctness of the rating report. On going through the order of the Appellate Authority we do not find any reason to disagree with his conclusion.

7. In view of the above, there is no reason to dispute the correctness of the order passed by the Appellate Authority. Thus the order of the Appellate Authority is confirmed and the petition is dismissed.

Sd/-
(K.P.PANDEY)
Chairman

Sd/-
(H.S.Subramanya)
Member

Sd/-
(S.D.Ukkali)
Member

