

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

**Dated this the 27th January 2005**

**Present**

<b>1. Sri. K.P. Pandey</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>

**Case No: OP 20/2004**

**Between**

Sri Keshawdas Gurmukhdas,  
S/o. Gurmukhdas,  
R/at 109, S.S.I.Area,  
Dr.Rajkumar Road,  
Bangalore 560 010.

**Petitioner**

(By Shri G.S.Venkatasubba Rao, Advocate)

**And**

1. The Managing Director,  
BESCOM,  
K.R.Circle,  
Bangalore 560 001
2. Assistant Executive Engineer (Elec.)  
BESCOM,  
No.1, Sub Division,  
West of Chord Road,  
Rajajinagar,  
Bangalore 560 010

**Respondents**

The Petitioner is the owner of premises bearing No.109, S.S.I. Area, Dr. Rajkumar Road, Rajajinagar, Bangalore 560 010, coming within the jurisdiction of BESCOM. He had constructed the building on the above premises and had applied to the BESCOM for the supply of power for two separate connections. One connection was sought for 3 KW-AEH and another for lighting for 20 KW. It is stated that although the requisitioned load for the second connection was for 12 KW only, he had applied for 20 KW in order to avoid filing of a second application for future expansion. While considering his

application, the Respondent, AEE had clubbed both the applications viz., for 3KW & 20KW for the purpose of computation of betterment/line service charges and also 3 MMD. The Respondent had also estimated the total load at 35.5 KW and collected both these charges on the above basis. Accordingly, a sum of Rs. 1,01,000/- was paid as betterment/line service charges on the estimated load. The Petitioner had also paid a sum of Rs.49,410/- as 3 MMD on the above estimated load and Rs.15,700/- as meter deposit. According to the Petitioner, the Respondent ought to have treated the two applications separately and collected the betterment/line service charges accordingly. In fact, it is stated that no betterment charges should have been collected at the time of supply of power, as no betterment has been done by the Respondent. The cables for power connection had been supplied by the Petitioner and laid at his own cost as directed by the Respondent. No line service charges is also required to be collected for 3 KW connections as per the KERC Code 2001. As the building was having power connection prior to 1995, the application filed with the Petitioner should have been considered on the basis of the rules prevailing prior to 1995. It is also stated that the 3 MMD should have been collected on actual consumption of power for 6 months. The average consumption for both the connections is stated to be within Rs.1,300/- per month or within Rs. 4,000/- for 3 months, as against which the Respondent has collected Rs.49,410/-. On the basis of the above, the Petitioner has filed petition before the Commission praying for issue of appropriate direction to the Respondent and also directing them to refund the excess amount collected towards the betterment/line service charges and security deposit.

The case was taken up for hearing for admissibility of the petition. The Petitioner's counsel was heard. As may be seen from narration of events, as stated by the Petitioner, the Petitioner has approached the Commission, without exhausting the normal channels for resolution of dispute available to him. Section 44.01 of KERC (ES &D) Code, 2000-01 provides for filing of appeal by a consumer, who is aggrieved by claims made by the licensee on ground of prejudicial use of power or on account of faulty metering equipment or due to any supplemental claims, before the First Appellate Authority. The petitioner could have filed appeal before the prescribed Appellate Authority seeking appropriate relief. In the circumstances, the petition filed before the

Commission is dismissed as inadmissible. The petitioner is free to file appeal before the First Appellate Authority and plead his case for relief.

The petition is accordingly disposed. Ordered accordingly.

(K.P. PANDEY)  
Chairman

(H.S. SUBRAMANYA)  
Member

(S.D. UKKALI)  
Member

