

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

**Dated this the January 2005**

**Present**

**1. Sri. K.P. Pandey - Chairman**  
**2. Sri. H.S. Subramanya - Member**  
**3. Sri. S.D.Ukkali - Member**

**Case No: OP 21/2004**

**Between**

M/s. Genesys International Corpn. Ltd.,  
Prestige Terminous at Airport Exit Road,  
Bangalore.

**Petitioner**

(By Sri R.B. Sadashivappa, Advocate)

**And**

1. The Managing Director,  
BESCOM,  
K.R.Circle,  
Bangalore 560 001
2. Chief Engineer (Elec.) &  
First Appellate Authority  
Bangalore Metropolitan Area Zone  
BESCOM, K.R.Circle, Bangalore.
3. Assistant Executive Engineer (Elec.)  
BESCOM, No.7, Sub Division,  
Air Port Exit Road,  
Bangalore 560 010

**Respondents**

The Petitioner company located in Prestige Terminous No.1, Airport Exit Road, Bangalore 560 017 has filed a petition against the order of the First Appellate Authority, BESCOM dt. 19.5.2004. The Petitioner company is carrying on business in development of geographical information Science and Software technology and registered as consumer under BESCOM. It was provided electric supply by the Respondent through 3 meters viz., RR No. MGL1960, MGL 1963 & MGP 377. The Petitioner is paying the electricity chares with respect to all the 3 above meters regularly. It was provided with a

fourth meter bearing RR No. 3S,GL-1963/3-2021 which is impugned under the present appeal. The AEE BESCO, who is 3rd Respondent in the case had inspected the fourth meter referred above and found that the recording of the meter was slow. He had called upon the Petitioner who pay a sum of Rs.4,17,830/- as slow recording charges. Aggrieved by the above demand, the Petitioner had filed an appeal before the FAA who had disposed the appeal by his order dt. 19.5.2004, a copy of which is filed before the Commission. According to the Petitioner, FAA had dismissed the appeal without appreciating the facts and evidence available on record. Narrating the details of inspection made by the Respondent, it is submitted by the Petitioner and that the Jr. Engineer of the task force, BESCO had conducted the inspection on 14.1.2003 and the status of the said meter was certified as good. The said inspection neither revealed any tampering of the meter nor any other defects were found. All the sealing of the meters were in the original state. The second inspection was carried out by the AEE on 23.4.2003, and the AEE had found that the recording of the meter was slow and had called upon the Petitioner to pay slow recording charges of Rs. 4,17,830/-. It is pleaded that as per the earlier inspection report of 14.01.2003 the meter was intact and was running properly and therefore it is wrong to state that it was recording slowly as alleged in the second inspection report conducted on 23.04.2003. As there was consistent use of consumption of power by the Petitioner and the inspection report dt. 14.01.2003, they could not have been any slow running of the meter prior to 14.01.2003. Hence, it was wrong to charge back billing charges from November 2002 onwards i.e., 6 months prior to the second date of inspection. Further, it is stated that as per Section 26.01 of KERC Electricity Supply & Distribution (ES&D) Code 2000-01, the routine rating ought to have been conducted at an interval of two years and since no such routine rating was conducted, the Petitioner cannot be held responsible for the slow recording of the meter, if any. It is further submitted that as per Section 27.03 of KERC (E&D) Code 2001, it is contemplated that in the event of routine rating being undertaken, it should be done using the electronic type testing equipment preferably with the facilities of printer attached to it. In the instant case, the electronic type testing equipment did not contain any such printer and the data submitted by the Respondent was not arrived at on the spot inspection was conducted. The First Appellate Authority has wrongly dismissed the appeal without considering all the aspects of the case. On the basis of

the above, the Petitioner pleads that the impugned order dt. 19.5.2004 passed by the First Appellate Authority and grant such further relief. The case was taken up for hearing on admissibility and Petitioner's advocate was heard. As may be seen from the narration of events presented by the Petitioner in the petition as well as in the course of hearing, the Petitioner had approached the First Appellate Authority who had dismissed the appeal by his order dt. 19.05.2004. As per Section 44.05 of KERC (ES&D) Code 2001, if the consumer is not satisfied with the orders of the First Appellate Authority, he may also file a second appeal to the Second Appellate Authority within 30 days on receipt of the order of the First Appellate Authority.