

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

**Dated this the 20<sup>th</sup> day of May, 2004**

**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- 50/2003**

**Between**

M/s Arpee Electrical Pvt. Ltd.,  
B - 5, 1<sup>st</sup> Floor,  
Unity Building, J.C.Road,  
BANGALORE (through its Managing Director)

**Petitioner**

**and**

1. The Managing Director,  
BESCOM,  
14/3, 4<sup>th</sup> Floor, CFC building,  
Nrupatunga Road,  
BANGALORE
2. Asst Exe. Engineer (Elec),  
BESCOM, Peenya Sub Dn.,  
Bangalore
3. Executive Engineer,  
BESCOM, North Division,  
West of Chord Road,  
Rajaji Nagar,  
Bangalore - 10
4. Superintending Engineer,  
BESCOM,  
South Circle, K.R.Circle,  
Bangalore

**Respondents**

(By Sri S.S.Nagananda, Adv.)

The petitioner had filed an application before this Commission raising several issues connected with his installation. He was mainly aggrieved with the back billing preferred by the Respondents against his installation. His application was dealt in Case No. OP 23/2002 and the Commission had passed orders dismissing the petition on 29<sup>th</sup> May 2003. While dismissing the petition, the Commission had made the following observations:

" 7. The facts that are brought to our notice through this petition show that the Respondents also have not behaved in a manner expected of them. The appeals appear to have been decided without giving proper opportunity to the Petitioner. There appears that the Petitioner filed more than one first appeals and they are still pending adjudication. The Respondent has adopted convenient methods of billing that suited him, disregarding the rights of the consumer/Petitioner. It appears to us that the Petitioner was compelled to give an undertaking for payment of dues by installments, since his business was closed for want of electricity, since the installation was disconnected. All this clearly goes to show that the Respondents are also to blame for this mess. We direct the Respondents to sort out the genuine problems of the Petitioner within 3 months from the date of this order."

2. The petitioner, through his petition, has approached this Commission once again alleging contempt of the Commission's order by the Respondents by not following the directions issued by the Commission as stated above. The petitioner has not stated the relevant provisions of law under which the present petition is filed and also not explained as to how the present petition is maintainable.

3. We have heard the petitioner and also the Counsel for Respondents. The petitioner has stated that the Respondents have not complied with the directions of the Commission and requested for issue of fresh directions.

4. It is seen from the Commission's order dated 29.5.2003 that the petitioner's case was dismissed and the Commission had declined to interfere in the matter. Therefore the petitioner does not hold an order in his favour, which is executable. Moreover, the directions quoted in Para 7 of the impugned order are in the nature of guidelines to sort out the problems between the consumer and the

supply company. The pending issues between them are required to be sorted out by mutual understanding of the problems within a time frame. The remarks of the Commission cannot be construed as mandatory orders. We advise the Respondent again to ensure that the grievances of the petitioner are promptly redressed.

5. Therefore we dismiss the application before us, as not maintainable. It is so ordered.

**(Philipose Matthai)**

**(H.S.Subramanya)**

**(S.D.Ukkali)**