

**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.RP- 07/2003**

**Between**

The Chief Manager,  
State Bank of India,  
Zonal Office,  
# 48, Church Street,  
Bangalore -560 001

**Petitioner**

(By Sri. J.Satish Kumar, Adv.)

**and**

1. The Managing Director,  
BESCOM  
K.R.Circle  
Bangalore
2. The Superintending Engineer (Appeals)  
KEB,Appeals - 1,  
The Appellate Authority,  
KEB, K.R.Circle,  
Bangalore - 1.

**Respondents**

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

The Petitioner is seeking a review of the orders of the Commission in case No. OP-35/2003 dated 7<sup>th</sup> November 2003. The petitioner had filed an application against the back billing charges to the tune of Rs. 1,24,580/-, levied by the Respondent No.1, on the basis of an inspection conducted by the concerned Junior Engineer. The Commission, in its order dated 7<sup>th</sup> November 2003, had held that the inspection of the Junior Engineer is suspect and void in

the eyes of law and no legal consequence would flow from such inspection. Therefore the Commission had ordered the refund of the back bill paid by the petitioner by adjusting it against the future bills of the particular installation.

2. The Petitioner has sought review of this order on the grounds that the bank has shifted its premises from the Church Street to the local head office at St. Marks Road, and that the refund amount be adjusted against the RR number of local head office instead of the one relating to the Church Street premises.

3. The respondents have opposed this petition on the grounds that they have filed MFA No.8675/2003 in the Hon. High Court of Karnataka and that the change of premises is not sufficient ground for review and the same is not maintainable.

4. We have heard the Counsels for Petitioner and the Respondents. It is the case of the Petitioner that he is compelled to file the present petition, since the Respondent was not willing to adjust the refund amount against the future bills of the new premises. The only point raised by the Counsel for respondents is that they have filed a MFA in the Hon. High Court and that the result of his appeal in the Hon. High Court be awaited. He admitted that there is no stay order against the orders of the Commission.

5. We have carefully considered the various issues agitated before us. The Commission had ordered refund of the back bill and directed it to be adjusted against the future bills of the installation at St. Marks Road. However, the Petitioner has shifted the premises to the Local Head Office at St. Marks Road, and he is no more consumer of the Respondent. The consumer of the new premises would be the Local Head Office and not the Petitioner. The refund due to one consumer cannot be adjusted against the bills of another consumer. It would, therefore, be more appropriate for the Respondent to pay back the amount in cash. In fact, in our order-dated 7.11.2003, we had ordered refund of the amount immediately and adjusting the refund amount against the future bills

of the petitioner was one of the modes of refund. Since the consumer has shifted the premises such adjustment is not possible. Hence we order refund of the amount immediately in cash. This shall be done within ten days from the date of receipt of this order by the Respondent. We do not agree with the Respondents that the matter should await the result of their MFA, since there is no stay order against the impugned order of the Commission.

6. The Review petition is allowed. It is so ordered.

**(Philipose Matthai)**

**(H.S.Subramanya)**

**(S.D.Ukkali)**