

Before the Karnataka Electricity Regulatory Commission, Bangalore

Dated this the 20th day of May 2004

Present

1. Shri Philipose Matthai - Chairman
2. Shri H.S.Subramanya - Member
3. Shri S.D.Ukkali - Member

Case No. RP 04/2004

Between

M/s Arpee Electrical (P) Ltd.,
B-5, 1st Floor, Unity Building,
J.C.Road, BANGALORE.

... **Petitioner**

And

Managing Director,
BESCOM,
K.R.Circle,
BANGALORE 560 001.

The Assistant Executive Engineer (Elec)
BESCOM, Peenya Sub Division,
BANGALORE.

... **Respondents**

1. The petitioner had approached this Commission in OP 32/03 for certain reliefs against the respondents and after hearing both sides, by virtue of its order dated 8.1.04, the Commission had allowed the petition directing the Respondents to refund the deposits of the petitioner immediately after taking 10% of the deposit amount as per Regulation 8.08 of the KERC (Electricity Supply and Distribution Code 2000-01). It was further held that the petitioner is entitled to simple interest at 6% p.a. on the balance deposit, from the date of deposit till the date of payment/adjustment. It was also ordered that the refund of deposit and interest thereon, may be adjusted against the future energy bills of the petitioner.

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2. By alleging, in essence, that the order of the Commission impugned in this review petition suffers from errors apparent on the face of the record the petitioner has sought for review of the order on certain aspects.

3. The Respondent has resisted the petition on various counts thereby seeking the rejection of the petition.

4. Arguments on both sides were fully heard.

5. On 8.4.04, a copy of the writ petition in No.10168/04 and also the interim stay granted by the Hon'ble High Court was received in the office of the Commission. The order that was passed by the Commission on 8.1.04 has been impugned by the 1st Respondent in the above writ petition and the stay granted by the Hon'ble Court is to the following effect:

"Shri Sriranga, learned counsel has no objection to deposit a sum of Rs.1,78,292/- before this Court in two week's time. In view of that, interim stay of Annexure C dated 08.01.2004. Ordered accordingly.

(NOTE: Annexure 'C' is the 'Order' dated 08.01.2004 passed by the Karnataka Electricity Regulatory Commission, Bangalore, in case No.OP-32/2003)"

6. In view of the fact that the order passed by this Commission has been stayed by the Hon'ble High Court the Commission cannot determine the review petition and accordingly, the said petition is disposed off.

(Philipose Matthai)
Chairman

(H.S.Subramanya)
Member

(S.D.Ukkali)
Member

