

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,
BENGALURU**

Dated : 7th July, 2015

Present:

- | | |
|---------------------------------|----------|
| 1. Sri M.K. Shankaralinge Gowda | Chairman |
| 2. Sri H.D. Arun Kumar | Member |
| 3. Sri D.B. Manival Raju | Member |

I.A.No.1/2015

IN

Complaint No.5 / 2014

BETWEEN:

K.B. Steels Pvt. Ltd.,
8th Cross, M.J. Nagar,
Hosapete – 583 203

..

COMPLAINANT

[Represented by Link Legal India Law Services, Advocates]

AND:

1) The Assistant Executive Engineer (El.),
O&M sub-Division,
Gulbarga Electricity Supply Company Limited,
Hosapete.

2) The Managing Director,
Gulbarga Electricity Supply Company Limited,
Station Road,
Kalaburagi – 585 101

..

RESPONDENTS

ORDER ON I.A.No.1/2015

- 1) The complainant in Complaint No.5/2014, has filed this Application on 24.2.2015, seeking issue of corrigendum to the Order of the Commission dated 28.1.2015, to direct the Managing Director of the Respondent company to withdraw the back billing charges of Rs. 2.42 crores and to implement the order of the CGRF, Ballari dated 29.3.2014 in Case No. 6/2012. He has contended that contrary to the Respondent's submission to the Commission while hearing his Complaint, the back billing charges have not been revised as per the Order of the CGRF, Ballari and the dispute has not ended.

- 2) Upon notice, the Chief Engineer of the Respondent Company has filed the written response dated 29.6.2015 to the Application. He has clarified in the written response dated 29.6.2015 as follows:
 - “8. Corrigendum to the order dated 28.01.2015 can be issued for the disputed amount of Rs.2.42 Cr. that it pertains to the period Mar.2009 to Oct.2009 and not for the period from Nov.2009 to March 2012 which has to be withdrawn as per KERC Order dated 28.01.2015.
 9. The excess claim made against the installation RR No.HREHT-12 for the period from March 2009 to October 2009 the withdrawal is under process.
 10. For the period Nov. 2009 to March 2012 the consumption recorded in the meter of 66 MSD line at 220 kV RS Munirabad is for 899040 units whereas 'O' consumption recorded at receiving end of M/s.K.B.Steels installation and the above units not billed

so far. Since the CGRF ordered to revise the claim based on the consumption recorded at 220 kV RS Munirabad for the period from March 2009 to Oct.2009, it is also necessary to bill 899040 units for the period November 2009 to March 2012 duly verifying the technical parameters / records available at KPTCL 220 kV Station and GESCOM records.

Hence, GESOM may be permitted to bill the installation for the above period duly verifying with the technical parameters with KPTCL."

- 3) We have heard the learned counsel for the Complainant and the representative of the Respondents, Sri Shivanand Bhavi, Executive Engineer, GESCOM, who had appeared on 2.7.2015.
- 4) We note the submission of the Respondents that the back billing charges of Rs.2.42 crores demanded related to the period from March 2009 to October 2009 and the same has been settled by the Complainant by paying the revised amount in compliance with the Order of the CGRF, Ballari dated 29.3.2014 in Case No.6/2012.
- 5) The Commission, therefore, passes the following:

ORDER

The Commission notes that the claim for arrears of Rs.2.42 crores raised by the Respondents in the subsequent bills for the period from March, 2009 to October, 2009, after payment of the revised amount by the Complainant for the same period, is not proper. The Commission takes note of

I.A.No.1/2015 in Complaint No.5/2014

the response of the Respondent dated 29.6.2015 and records the submission made by the representative of the Respondents who had appeared on 2.7.2015, that the excess claim is being withdrawn and that it would be done within a fortnight. The Commission, therefore, directs the respondents to withdraw the claim of arrears of Rs.2.42 Crores pertaining to the period from March, 2009 to October, 2009, as the same is settled by the Complainant. The Commission decides not to go into the dispute relating to the period from November, 2009 to March, 2012, as the same was not the issue decided by the CGRF, Ballari, in Case No. 6/2012 and is beyond the purview of this complaint petition.

6) The Application (I.A.No.1/2015) is disposed of accordingly.

Sd/-

(M.K. SHANKARALINGE GOWDA)
CHAIRMAN

Sd/-

(H.D. ARUN KUMAR)
MEMBER

Sd/-

(D.B. MANIVAL RAJU)
MEMBER