

Before the Karnataka Electricity Regulatory Commission, Bangalore

Dated this the 26th day of June 2003

Present

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| 1. Sri. Philipose Matthai | - | Chairman |
| 2. Smt. Nalini M.K. Menon | - | Member |

Case No.OP-16/2003

Between

Sri. Dilip Thakore,
Publisher/Editor, Education World,
59-B Chaa Che Towers,
50, Residency Road,
Bangalore - 560 025.

Petitioner

and

1. Managing Director,
KPTCL,
Cauvery Bhavan,
K.G.Road,
Bangalore.

2. Managing Director,
BESCOM, Ltd.,
K.R.Circle,
Bangalore

Respondents

(Res-2 & 3 by Sri S.S.Nagananda, Adv.)

The Petitioner seeks, through this petition, a refund of Rs. 27,960/-, which he had paid towards back billing charges and also refund of Rs.1008/- paid by him towards the new meter and also seeks to increase the sanctioned load to his installation to 3 kW.

2. The essential facts of this case may be stated in brief, as under;

(i) The Petitioner claims to have purchased the premises at 59B of Chaa Che Towers in the year 1995. At the time of purchase he was assured that the sanctioned load was more than 2.5 kW. He does not have documents to show the extent of sanctioned load but claims that at the relevant time the practice of KPTCL was to allot a minimum sanctioned load of 2.6 kW.

(ii) The Petitioner claims that he conducted his business till 2001 without any electrical problems. Thereafter, there was short circuit in the system when he switched on his air conditioner and the meter was burnt. He alleges that the respondent, somewhere in September 2000, replaced the meter in the basement and arbitrarily reduced the sanctioned load to 420 watts. He states that he paid Rs.1008/- towards the cost of replacement of burnt out meter.

(iii) The officials of the respondents inspected the installations of the Petitioner on 15.3.2001 and noticed that there was excess connected load of 2,620 watts as against the sanctioned load of 240 watts. Therefore a back bill of Rs.27, 960/- was levied on the Petitioner. The Petitioner paid the bill, but did not file any appeal against such levy.

(iv) The Petitioner had approached the Consumer Forum, which dismissed his petition on 17.9.2002.

(v) The Petitioner states that he approached the respondents several times for enhancement of sanctioned load. However, the officers of the respondents are insisting on the plinth plan of the building, which the Petitioner is unable to produce.

3. The Respondents have put in appearance and have filed their statement of objections. The Respondents have raised the following points:

(i) The Petitioner has not stated the provision of law under which the petition is filed.

(ii) The Petitioner has not filed any appeal against the demand for the back bill and the issue has now attained finality.

(iii) The Petitioner is not the registered consumer and the installation stands in the name of one Mr. C.F.Jacob. Therefore he has no locus standi to file the petition.

(iv) As per regulation 28 of the KER C (ES & D) Code 2000-2001, the cost of the burnt out meter is required to be collected.

(v) The Regulation 34.1 of the E S & D Code stipulates the procedure for sanction of additional power. The Petitioner has to comply the requirement of this regulation for sanction of additional power.

4. We have heard the Petitioner and the learned Counsel for the Respondents. The Petitioner reiterated the points raised by him in his plaint and stated that he is being harassed because he refused to pay speed money. He argued that for no fault he is being harassed by slapping the back bill and by delaying the sanctioning of additional connected load. The learned Counsel for the respondents argued that the Petitioner is not a registered consumer and he has no *locus standi* either to file the petition or to seek additional power. He contended that the Petitioner ought to have filed appeal before the appropriate authority against the back bill and that he cannot raise this issue before the Commission without exhausting the remedies provided for such purposes. He pointed out that the Commission is not the proper forum to agitate the issue of damages. He further added that the Petitioner has to comply with the requirements of the Regulation 34.1 for getting additional power sanctioned. He contended that the Petitioner is making false allegations without complying the legal requirements.

5. We have carefully considered the various issues raised before us and perused the documents produced by either side. There is no evidence before us that the Respondents surreptitiously changed the meter at the basement etc. The meter appears to have been burnt by excess load and has been replaced at the cost of the Petitioner. The Petitioner has no evidence to show that his sanctioned load was 2.6 kW at the time he purchased the premises and that it was changed somewhere in September 2001. As a matter of fact, the Petitioner has failed to get his name registered in place of the original owner of the installation. He ought to have filed appeal against the back bill in accordance with the ES & D Code. Instead he approached, in vain, the Consumer Forum. He should explore the remedies provided in the regulations before approaching

Commission. Therefore, we do not see any merit in his request for refund of the amount of back bill or the cost of new meter.

6. As regards the sanctioning of additional load, the Petitioner is advised to approach the respondents fully complying Regulation 34 of the ES & D Code. The Respondents shall consider the request, if it is made in accordance with law, and sanction the additional load without further delay. The Petitioner may approach the appropriate authority for the damages alleged to have suffered by him.

7. The petition is accordingly disposed.

(Philipose Matthai)
Chairman

(Nalini M.K. Menon)
Member