

No.: N/24/2014

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

**Dated : 21<sup>st</sup> August, 2014**

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| 1. Sri M.R. Sreenivasa Murthy | Chairman |
| 2. Sri H.D. Arun Kumar        | Member   |
| 3. Sri D.B. Manival Raju      | Member   |

**R.P. No.1/2014  
IN  
Su Motu Case No.2/2013**

**BETWEEN :**

Shri Anil Kalgi,  
Flat No.612. 5<sup>th</sup> Floor, "O" Block,  
Platinum City,  
H.M.T. Road,  
Yeshwanthpur,  
BANGALORE – 560 022.  
*[Petitioner in person]*

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**PETITIONER**

**AND:**

- 1) Bangalore Electricity Supply Company Limited,  
K.R. Circle,  
BANGALORE – 560 001.
- 2) The Chief Electrical Inspector of Government,  
32/1, 2<sup>nd</sup> Floor, Crescent Tower  
Crescent Rod,  
BANGALORE – 560 001
- 3) Shri Ziulla Sheriff,  
Sheriff Constructions,  
73/1, Sheriff Center, 5<sup>th</sup> Floor,  
BANGALORE – 560 001.

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**RESPONDENTS**

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1) In the present Review Petition, filed on 19.3.2014, the Review Petitioner has prayed for reviewing the Order dated 13.01.2014 passed by this Commission in Suo Motu Case No.2/2013, to initiate necessary action against the first Respondent's officers and to ascertain the loss and initiate action for recovery of the same from the third Respondent, in the interest of justice and equity.

2) The Review Petitioner is required to pay a fee of Rs.1,000/- for filing the Review Petition before this Commission. However, he has requested to waive off the said fee for the reasons stated in his covering letter filed along with the Review Petition. We have heard the Review Petitioner on his prayer for waiver of fee and also on the admissibility of the Review Petition.

3) The above Suo Motu Case No.2/2013 was registered u/s 142 of the Electricity Act, 2003, on the complaint filed by the Review Petitioner herein, alleging non-compliance of certain relevant electricity supply Regulations, before supply of electricity to the different blocks of apartments / multi-storeyed buildings constructed by the third Respondent. It was alleged in the complaint that the local officers of the first Respondent knowingly deviated from following the relevant Regulations and granted electricity connection to the apartments / multi-storeyed buildings constructed by the third Respondent.

4) This Commission went through the allegations made by the Review Petitioner in his complaint, and with a view to finding out the irregularities, if any,

in providing electricity connection to the apartments / multi-storeyed buildings constructed by the third Respondent, the second and third Respondents were arraigned as parties to the said Suo Motu case, apart from the first Respondent. The second Respondent (Chief Electrical Inspector) was secured and was asked to file a report stating, in detail, the steps yet to be complied with in connection with the supply of electricity to the apartments / multi-storeyed buildings of the third Respondent. Accordingly, the second Respondent had filed a detailed report of the steps to be taken in this regard by the third Respondent. After follow-up during several hearings of the case, the third Respondent filed a Report, stating that all the steps required to be complied with for obtaining supply of electricity, as per the relevant Regulations, were taken by him. The Executive Engineer of the first Respondent confirmed that the required steps were completed and the power supply could be serviced after obtaining approval from the Electrical Inspectorate. Based on these facts, the Commission directed that the Chief Electrical Inspector shall have the works inspected and take a decision for approval for supply of electricity to the premises in question. The Commission observed that there was no further issue to be decided by it regarding the legality of the supply of electricity. The Review Petitioner, who was present during the hearing of the case, had also admitted this fact. The Commission had accordingly closed the proceedings. The Commission had not passed any specific order imposing any penalty on Respondent Nos.1 and 3 in the Suo Motu case. It, therefore, implies that it was not a case wherein penalty was required to be imposed u/s 142 of the Electricity Act, 2003.

**R.P.No.1/2014 in Suo Motu Case No.2/2013**

5) The Review Petitioner, in the present Review Petition, does not dispute the legality or correctness of the Commission's Order passed in the Suo Motu case. The Review Petitioner's grievance is that, as there was unauthorized extraction of electricity for a certain period before its regularization in Suo Motu Case No.2/2013, the third Respondent was liable to pay penalty for the said period for the unauthorized use of electricity u/s 126 of the Electricity Act, 2003. The Review Petitioner has further alleged that the concerned designated Assessing Officer u/s 126 of the Electricity Act, 2003 has not taken any action for assessment of electricity charges for the unauthorized use of electricity by the third Respondent. Therefore, the Review Petitioner has prayed for review of the Order dated 13.01.2014 in Suo Motu Case No.2/2013 and to initiate necessary action against the concerned Officers, and to assess the loss and initiate recovery of the same from the third Respondent.

6) The prayers made by the Review Petitioner are based on a new set of facts, which were not alleged in the above-mentioned Suo Motu case. The concerned Assessing Officer was also not a party to the said proceedings. A Review Petition is not maintainable, if the Review Petitioner seeks an entirely different relief, which is not based on the facts alleged in the original proceedings. The Review Petitioner may, if so advised, approach the concerned Assessing Officer with supporting material to persuade him to initiate appropriate action u/s126 of the Electricity Act, 2003.

7) For the above reasons, we hold that the Review Petition does not merit admission and is liable to be rejected. We also propose to waive off the prescribed fee payable on this Review Petition.

8) For the foregoing reasons, we pass the following :

**ORDER**

(1) The fee payable on the Review Petition is waived off; and

(2) The Review Petition is rejected at the stage of admission itself.

Sd/-

(M.R. SREENIVASA MURTHY)  
CHAIRMAN

Sd/-

(H.D. ARUN KUMAR)  
MEMBER

Sd/-

(D.B. MANIVAL RAJU)  
MEMBER