

No. N/16/12

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION
BANGALORE**

Dated : 17th May, 2012

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| 1. Sri M.R. Sreenivasa Murthy | Chairman |
| 2. Sri Vishvanath Hiremath | Member |
| 3. Sri K. Srinivasa Rao | Member |

TRP No. 1/2012

BETWEEN

Shri R. K. Rangrej
Chairman
Electricity Sub-Committee
Gadag District Chamber of Commerce and Industry
Registered Office
A.P.M.C. Road
GADAG – 582 101 ... **Petitioner**
[Petitioner in person]

AND

Hubli Electricity Supply Company Limited
Nava agar, P.B. Road
HUBLI – 580 025 ... **Respondent**

1. This Tariff Review Petition has been filed by Shri R.K. Rangrej, Chairman, Electrical Sub-Committee, for and on behalf of the Gadag District Chamber of Commerce and Industry, Gadag, for review of the Tariff Order dated 28.10.2011 pertaining to the Hubli Electricity Supply Company Limited (HESCOM), which has been made the Respondent by the Petitioner in this Tariff Review Petition.

2. The above Tariff Review Petition was taken up by the Commission on maintainability and Notice was issued to Shri R.K. Rangrej, who has filed the Tariff Review Petition on behalf of the District Gadag Chamber of Commerce and Industry, Gadag.

3. Shri R.K. Rangrej appeared in person before the Commission and made his submissions on the Tariff Review Petition filed by him.

4. We have considered the averments made in the Tariff Review Petition and also the oral submissions made by Shri R.K. Rangrej. In the Tariff Review Petition, it is stated that there is a large variation in the power purchase costs, unmetered IP Sets consumption, annual revenue requirement and the allotment of hydel power, etc., between what has been filed by the ESCOMs and what has been granted by the Commission. Further, the Commission has increased the Fixed Charge by 5%, even though there was no request made on behalf of the ESCOMs and there was no justification to increase the Fixed Charge. Further, it is submitted that the pro-rata reduction of the Bills during the scheduled load shedding sought by the Consumers has not been considered.

5. We have considered the above submissions of the Review Petitioner. There is nothing new in what is stated now as compared to what has been considered by the Commission while passing the Tariff Order pertaining to HESCOM. Apparently, there will be differences in what is sought by the ESCOMs and what is granted by the Commission, when the Commission passes the Tariff Order after critically considering the filings. Further, the Commission has stated in the Tariff Order as to why the Fixed Charge of 5% has been increased and why the pro-rata billing

cannot be ordered when there are power cuts. While passing the Tariff Order, the Commission has considered the relevant aspects and there are no new grounds to review the same.

6. The Commission has been conferred with the powers of review on par with a Civil Court under the Code of Civil Procedure. The Civil Court, under Order 47 Rule 1 of the Code of Civil Procedure, can review its Judgment, in case a person, considering himself aggrieved, brings out that there is a new and important matter or evidence, which inspite of exercising due diligence, was not within his knowledge or could not produce the same at the time when the Decree/ Order was passed or there is some mistake or error apparent on the face of the records.

7. In the instant case, we do not notice any new or important matter, or evidence, which the Review Petitioner could not produce, inspite of exercise of its due diligence, at the time when its original Petition was considered, nor is there any error apparent on the face of the records, or any sufficient reason to review the Order.

8. Therefore, we do not find any new ground to review the Tariff Order. Accordingly, this Tariff Review Petition stands rejected.

Sd/-	Sd/-	Sd/-
(M.R.SREENIVASA MURTHY)	(VISHVANATH HIREMATH)	(K.SRINIVASA RAO)
CHAIRMAN	MEMBER	MEMBER