

N./96/2020

BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,
No.16, C-1, Millers Tank Bed Area, Vasanth Nagar, Bengaluru-560 052.

Dated: 18.08.2020

Present

Shri Shambhu Dayal Meena : **Chairman**
Shri H.M. Manjunatha : **Member**
Shri M.D. Ravi : **Member**

OP No.46/2020

BETWEEN:

AMR Power Private Limited,
a company registered under
Companies Act, 1956.
Having its registered office at
No.701-702, Prestige Meridian-2,
No.30, M.G. Road,
Bangalore – 560 001

And having its administrative office
at Plot No.1366, Road No.45,
Jubilee Hills, Hyderabad – 500 033.

.... PETITIONER

(Represented by Shri. Aditya Narayan, Advocate
for Saakshya Law)

AND:

1. Karnataka Power Transmission Corporation Limited,
Through its Managing Directro,
Kaveri Bhavan, K.G. Road,
Bengaluru – 560 009.

.... RESPONDENT 1

2. Mangalore Electricity Supply Company Limited,
Through its Managing Directro,
Corporate office, MESCOM Bhawana,
Kavoor Cross Road, Bejai,
Mangalore – 575 004

.... RESPONDENT 2

3. Bangalore Electricity Supply Company Limited.
Through its Managing Director,
K.R. Circle,
Bangalore – 560 001.

.... **RESPONDENT 3**

(For respondent No.2 respondent by Shri Sriranga S.
Advocate for Justlaw)

(For respondent No.1 & 3 respondent by Shri Shahbaz Hussain
Advocate for Precinct Legal)

ORDERS

1. The present petition is filed u/s 86 (1) (f) of the Electricity Act 2003, praying for the following reliefs.
 - a) Direct the respondent No.2 to issue Official Memorandums, permitting the petitioner to wheel energy to the petitioner's customers, and specifically in respect of its aforesaid six customers viz., (i) Eshwar Steel Tech Private Limited, (ii) Naetek Ferro Casting Private Limited, (iii) Vijay Technocrat Private Limited, (iv) Pragathi Steels Casting Private Limited, (v) Maland Alloys and Casting Private Limited, & (vi) Shanthala Spherocast Private Limited, pursuant to Forms "C" submitted by the petitioner from time to time;
 - b) Direct the respondent No.2 not to include or charge any amount for the units wheeled by the petitioner as shown in Forms "C" submitted by it from time to time, in the bills issued by the respondent No.2 to the petitioner's customers, from time to time;
 - c) Grant cost of these proceedings; and
 - d) Pass such other order as it may deem fit and proper, in the interest of justice of equity.

2. The petitioner is a developer of a mini hydel power project in Bantwal Taluk. The petitioner has entered into a Wheeling and Banking Agreement dated 06.05.2014. The petitioner has contended that the 2nd respondent-MESCOM failed to issue Official Memorandums (OMs) for the month of February and March 2020, as requested by it, in respect of six consumers out of eight consumers proposed by it. Further that because of non-issue of OMs, the energy to be wheeled to these six consumers were not accounted as energy wheeled from petitioner and they were charged the usual consumption charge as per tariff prevailing. Therefore, it is contended that these consumers could not be billed by the petitioner for the energy to be wheeled for these months.
3. The respondent No.2 MESCOM appeared and filed memo dated 11.08.2021 stating that the amended OMs dated 09.08.2021 for the months of February and March 2020 have been issued during the pendency of this case, subject to the outcome of result in WP No.8450 of 2019 – Perla Hydro Power Pvt. Ltd. Vs. State of Karnataka and Others, pending before Hon'ble High Court of Karnataka.
4. The learned counsel for the petitioner was served with the memo on 11.08.2021 itself through e-mail by the 2nd respondent. The present case was posted on 17.08.2021 for further hearing through Video Conference.
5. The learned counsel for the petitioner submitted that in view of having issued the amended OMs dated 09.08.2021 the petition may be closed

subject to the adjustment of right and liabilities of the parties as per the result of WP No.8450 of 2019 stated in the memo.

6. Hence, the following:

ORDER

1. The first prayer made by the petitioner no longer survives, as the 2nd respondent-MESCOM has issued amended OMs dated 09.08.2021.
2. The 2nd respondent shall revise the consumption bills issued if any for the months of February and March 2020 in respect of six consumers shown at serial No.3 to 8 of the OMs dated 09.08.2021.

sd/-
(SHAMBHU DAYAL MEENA)
Chairman

sd/-
(H.M. MANJUNATHA)
Member

sd/-
(M.D. RAVI)
Member