

No.N/47/2019

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

Dated:19.11.2021

Present

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

COMPLAINT NO. 1/2019

IN

(OP No.44 and 50/2016)

BETWEEN:

E.I.D. Parry (India) Limited,
A Company registered under the
provisions of Companies Act, 1956
having its Registered Office at
Dare House, 243, N.S.C. Road,
Parry's Corner,
CHENNAI-600 001.

(Represented by its Authorized Signatory)

... COMPLAINANT

(Represented by Sri Shridhar Prabhu, Advocate,
for M/s Navayana Law Offices)

AND:

1. Hubli Electricity Supply Company Limited (HESCOM),
A Company registered under the provisions of
Companies Act, 1956, Registered Office at
Navanagar, P.B. Road,
HUBBALI-580 025.
(Represented by its Managing Director)

2. Gulbarga Electricity Supply Company Limited (GESCOM),
A Company Registered under the provisions of
Companies Act, 1956 having its Registered
Office at Station Main Road,
KALABURAGI.
(Represented by its Managing Director)

..... RESPONDENTS

(Respondent No.1 represented by Ms. Kartika
Venkatesh, Advocate & Respondent No.2 represented
by Ms. Medha M. Puranik, Advocate for M/s Justlaw

ORDERS

1. The present complaint is filed under Section 142 of the Electricity Act, 2003 alleging violation and non-compliance of the directions by the 1st & 2nd respondents, issued in OP No. 44/2016 & OP No.50/2016 as they failed to pay the tariff agreed in the Power Purchase Agreement (PPA) dated 02.01.2017 entered between parties, pursuant to the Order passed in the OP No. 44/2016 & OP No.50/2016.
2. The Complainant has stated that the amounts payable by the 1st & 2nd respondents, as per Annexure-C3 (Collectivity), are still due.
3. The 1st & 2nd respondents appeared and admitted the arrears payable to the petitioner towards their share of energy consumed as per the terms of PPA. They submitted that a Review Petition had been filed against the order passed in OP No.44/2016 & OP No.50/2016 and other connected cases, requesting for downward revision of the tariff determined in the above cases and the said Revision Petition was pending, which was one of the grounds for delay in paying the arrears.
4. The respondents also made efforts to pay the entire arrears to the complainant after the dismissal of the Review Petition filed by them, during the pendency of the present complaint.
5. Subsequently, the 1st and 2nd respondents have filed separate compliance affidavits stating that they had paid the entire arrears to the petitioner and have been making payments at the rates stated in the PPA. They have also served copies of the compliance affidavits to the petitioner.

6. The learned counsel for the petitioner has not disputed the payments stated by the respondents, towards arrears claimed in the present complaint.
7. The learned counsel for the respondents submitted that because of the genuine reasons, the respondents could not make the payments to the complainant and they made prompt attempt to clear the arrears payable to complainant. Therefore, he submitted the respondents may be exonerated from any liability for the delay in payment.
8. In the facts and the circumstances of the case and the reasons stated by the learned counsel for the respondents, this Commission is satisfied that the delay in payment for the energy supplied, is not intentional. Therefore, this Commission holds that the respondents need not be subjected to any penalty under Section 142 of the Electricity Act, 2003. Hence, the following:

ORDER

The complaint is dismissed.

sd/-
(SHAMBHU DAYAL MEENA)
Chairman

sd/-
(H.M. MANJUNATHA)
Member

sd/-
(M.D. RAVI)
Member