

No.N/97/2020

**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.06/2020

IN

OP No.48/2016

BETWEEN:

Sri Chamundeshwari Sugars Limited,
A Company incorporated under the provisions
of Companies Act, 1956
having its registered office
At No. 88/5, Richmond Road,
Bangalore-560 025
[Represented by its President]

... COMPLAINANT

(Represented by Sri Shridhar Prabhu, Advocate)

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.
(Respondent 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

(1st & 2nd Respondents represented by Sri Shahbaaz
Husain, Advocate for M/s Precinct Legal).

ORDERS

1. The present complaint is filed under Section 142 of the Electricity Act, 2003, for a direction against the 1st & 2nd respondents, to make payment of the arrears payable by them as per Annexure EP-4 & EP-5 respectively, to enforce the order dated 11.04.2017 passed in OP No.48/2016 and to pass such other suitable orders.
2. The respondents appeared and admitted the arrears payable by them to the petitioner towards their share of energy consumed as per the terms of PPA dated 02.01.2017 further they submitted that the petitioner was required to furnish Commissioning Certificate to calculate the tariff applicable and there was undue delay by the petitioner in submitting the Commissioning Certificate which was furnished only on 24.06.2020. Therefore, it is submitted that the late submission of the Commissioning Certificate was one of the causes for delay in payment.
3. During the pendency of the complaint, the 1st & 2nd respondents have cleared the arrears payable by them to the petitioner. The concerned officers of the respondents have also filed affidavits stating the payment made to the petitioner.
4. The learned counsel for the respondents submitted that Commission may take a liberal view and the respondents may be exonerated from any penalty, for the delayed payments. The learned counsel for the petitioner did not insist for taking any penal action against respondents.

5. In the facts and circumstances of the case and the reasons stated by the learned counsel for the respondents, the Commission is satisfied that the delay in payment for the energy supplied is not intentional. Therefore, the Commission holds that the respondents need not be subjected to 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