

**PROCEEDINGS OF THE KARNATAKA ELECTRICITY REGULATORY
COMMISSION, BENGALURU**

Dated 31 January 2019

Present:

Sri Shambhu Dayal Meena	-Chairman
Sri H. D. Arun Kumar	- Member
Sri H.M. Manjunatha	- Member

OP No. 105/2018

BETWEEN:

JSW Energy Limited
BandraKurla Complex, Bandra (East)
Mumbai – 400 051

...Petitioner

AND:

The Managing Director
Hubli Electricity Supply Company Limited
Navanagar, P.B.Road,
Hubballi – 580 029

... Respondents

1. The following office objections were raised by the Receiving Officer, under Regulation Nos. 21 and 23 of KERC (General and Conduct of Proceedings) Regulations, 2000 during scrutiny of the petition:
“Fee should be paid on the claim amount of Rs.19,68,769/- and interest claim on the said amount. Needful in 2 weeks”.
2. Upon the objections raised, the Counsel for the petitioner paid Rs. 5,000/- as fee and mentioned to post the matter before the Commission for consideration. The matter was listed on 24.1.2019 to hear the Counsel for the petitioner on the quantum of fee.
3. This is a petition filed under section 86 of the Electricity Act, 2003 praying for issue of direction to the Respondent to pay surcharge of Rs.19,68,769/- along with interest at 15% per annum on the said amount from the due date till the date of payment. However, the petitioner has not quantified the interest claimed from the due date till the date of filing the petition. The learned Counsel submitted that the amount claimed towards surcharge or the interest payable on the surcharge is not disputed by the respondent, therefore, the case falls under item No.14 of Regulation No.4 of the KERC (Fee) Regulations, 2016 and the fee of Rs. 5,000/- paid is adequate. On the other hand, the office has raised the objection that the fee should be paid as per item No.13 of Regulation No.4 of the said Regulations. Fee for different types of applications / petitions are mentioned in Regulation No.4 of the said Regulations. Item Nos. 13 and 14 of Regulation 4, which are relevant, are extracted below:

Item No.	Subject	Amount
13.	Petitions for adjudication of disputes under the Act.	Disputes involving monetary claims -0.5% of the monetary claim, subject to a minimum of Rs. 25,000/- In other cases – Rs. 25,000/-
14.	Petition not covered above, seeking orders of the Commission.	Rs. 5,000/-

4. Section 86 (1) (f) of the Act provides for adjudication of disputes by the Commission and the petitioner having filed the petition under the said provision, cannot now argue that there is no dispute.
5. The contention of the Counsel that the case is covered under item No. 14 of Regulation 4, is not correct as there is a specific provision in Item No.13 for payment of fee on petitions filed for adjudication of disputes involving monetary claims. Hence, item No. 13 of Regulation No.4 of the KERC (Fee) Regulations, 2016 applies to this case. Item No. 14 is a residuary provision and is applicable only if the petition is not covered under the other items of Regulation No.4.
6. Hence, the following direction is issued under Regulation No. 23 (4) of the KERC (General and Conduct of Proceedings) Regulations, 2000:
The office objections are upheld. The Petitioner shall comply with the objections within three weeks from the date of this Order.
7. Office is directed to list the case for admission, after the petitioner complies with the above direction.

Sd/-
(SHAMBHU DAYAL MEENA)
Chairman

Sd/-
(H.D.ARUN KUMAR)
Member

Sd/-
H.M. MANJUNATHA)
Member