

**Before the Ombudsman
Karnataka Electricity Regulatory Commission
Bangalore**

**Present: S.D.Ukkali
Ombudsman
Case No.OMB/B/G-86/10/ 8454
Dated 22.06.2010**

M/s.Velankani Information Systems Pvt.Ltd.,
43, II Phase,
Electronics City,
BANGALORE-560100
(Represented by Sri M.A.Dalvi,
Advocate)

..

Complainant

Vs

1. Bangalore Electricity Supply Company (BESCOM)
Represented by its
Asst.Executive Engineer(E)
S-8 Sub Division, BESCOM
Kudlugate, Hosur Main Road,
Bangalore

2. The Consumer Grievance Redressal Forum (CGRF)
BESCOM
Central Stores Premises,
Near ESI Hospital,
Rajajinagar,
BANGALORE-560010

..

Respondents

I. This is a representation filed by the above named Complainant under the provisions of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 directed against the Order dated 17.04.2010 passed by the 2nd Respondent in its file No.CGRF/28/2009/787-792.

II. The brief facts of the case are as follows:

1) The installation bearing RR No.S8 HT 30 was serviced under HT-2(b) tariff in the name of M/s.Velankani Information System Private Limited on 28.9.2000 with a sanctioned load of 200 KVA for software purpose. Additional loads of 50 KVA on 2.5.2001, 1000 KVA on 28.1.2004 and 2750 KVA on 27.11.04 were serviced raising the cumulative contract demand to 4000 KVA. The tariff was changed from HT-2(b) to HT-2(a) on 20.7.2001 upon production of a certificate from the Department of Industries and Commerce.

2) The 1st Respondent and his A.E. used to visit and inspect the installation. They positively visited on the 1st day of every month for taking the readings of the meter and to issue the bill.

3) The area Assistant Engineer, all of a sudden, inspected on 18.9.2007 and generated a report that there were 8 blocks in the building occupied by five companies.

Out of these five, it was stated that the three Companies were to be billed under HT-2(a) and two Companies were to be billed under HT-2(b). All these five Companies were separately metered by the Complainant for its internal accounting purposes for collection of bills from them.

4) Based on this report, a back bill of Rs.1,22,70,320/- was demanded vide letter No.AEE(E)/S-8/M/3256-57 dated 8.10.2007. This claim was protested. A re-inspection and mahazar was conducted by the same Assistant Engineer accompanied by the 1st Respondent and a report was drawn on 29.10.2007, satisfying themselves that all the Companies were engaged in IT related works and HT-2(a) tariff was applicable.

5) The Complainant approached the Executive Engineer, BESCO of the area during April 2009, enquiring about the applicability of tariff on changed activities by some companies due to global financial crisis. A letter dated 24.4.2009 was also submitted to EE's office requesting to guide and do the needful in this regard and

sought sanction for separate HT meters to these companies to avoid conflict with BESCO.

6) Thereupon, instead of guiding the Complainant, the Assistant Engineer was sent to inspect on 21.5.2009, who has drawn a mahazar of misuse without following the procedure and without any witness acknowledging the mahazar.

7) Based on the report of Assistant Engineer of O & M unit, the sub division back billed the installation for misuse of energy under HT-2(b) tariff for Rs.2,90,78,801/- for six months and served a notice No.805 dated 27.5.2009.

8) The representative of the complainant filed an objection before the 1st Respondent detailing about his discussion with the EE and apprised him about the letter dated 24.4.2009 addressed to EE (Ele) on change of usage and sought sanction on separate HT meters to these service oriented unit to avoid any conflict with BESCO relating to the application of correct tariff.

9) The officer instead of looking into their grievances and **without affording a personal hearing confirmed** the back bill and demanded payment of the same within the stipulated time though as a good will gesture the Complainant was voluntarily ready to pay the difference proportionate to the consumption of the subject units at normal rate of the higher tariff supposed to be applicable for the period of 6 months.

10) In view of the hostile stand taken by the jurisdictional officer and the deadline set out in his final order, the Complainant made a request for a change of tariff for the entire load itself pending bifurcation and other related issues and to avoid disconnection exhibiting good faith and conciliatory attitude made a deposit of 50% of the disputed claim.

11) Due to the failure to secure any relief, a complaint to redress the grievance was filed before the 2nd Respondent who disposed off the complaint as not maintainable for want of jurisdiction **after a lapse of lot of time.**

12) Aggrieved by this Order, the Complainant filed this appeal petition before this Authority on 14.5.2010 praying for the following:

III.

PRAYER

1. Set aside the order of the Forum passed in Case No.CGRF/28/2000/787-782 dated 17.4.2010.
2. Direct the Respondent No.1 to revise the Electricity tariff in respect of the quantified portion under dispute at the higher tariff applicable and collect the difference for and over a period of six months prior to the date of inspection. The amount already collected in excess be refunded with interest.
3. Direct the Respondent Licensee to bifurcate the loads for separate meters as is approved in case of M/s. Mind Tree Private .Limited by the 2nd Respondent.
4. Grant such other relief/reliefs as deemed justified under the circumstances of the case.

IV. Settlement By Agreement

Both the parties were informed to explore the possibilities of settlement by conciliation and mediation by this office letter No.OMB/B/G-86/2010/8351 dated 02.06.2010. The 1st Respondent, Sri S.T.Ramaiah and the legal counsel for the Complainant, Sri M.A.Dalvi appeared and they were heard on 10.06.2010. Shri B.Krishnappa, Executive Engineer, Additional South Division, BESCO also deposed before this Authority on 11.06.2010. During the hearing also, further efforts were made to reach an agreement by conciliation and mediation. However, no accord could be reached and, therefore, it was decided to pass an award after hearing. Additional Memo filed by the Complainant was made available to the 1st Respondent and he submitted his comments on 18.6.2010.

V. Discussion and Analysis

A. The 1st Respondent contends as under:

1. The installation bearing RR No.S8-HT 30 was serviced on 28.9.2000 in the name of M/s.Velankani Information Systems Private Limited at No.43, II Phase Electronic City, Bangalore with a contract demand of 200 KVA for software purposes under HT-2(b) Tariff. The tariff was changed to HT-2(a) on 20.7.2001 on a request from the consumer **with a certificate from Industries and Commerce Department, Government of Karnataka vide letter No.BNG/DIC/IPO-d/1020/98-99 dated 9.3.2001 for industrial purpose.**

2. **Subsequently, additional load of 50 KVA was serviced on 2.5.2001, 1000 KVA on 28.1.2004 and 2750 KVA on 27.11.2004 bring the total contract demand to 4000 KVA.**

3. **The area Section Officer was addressed to conduct a detailed inspection of the premises and to submit a report.** As per the report submitted by him, there are 8 Nos of blocks occupied by different companies with individual electronic meters of their own without intimating the sub division office. **Out of these companies, M/s.Deboi Services were utilizing the electricity for commercial activities i.e. private wealth management/ banking services.**

4. On the basis of this inspection report a demand notice was served on the consumer vide letter No.AEE/S8/M(P&C)SAO/805 dated 27.5.2009 for Rs.2,90,78,801/- asking him to pay the back billing charges or to file objections if any within 15 days from the date of receipt of the letter, **on the proportionate load of M/s.Deboi Services as per KERC ES&D Code under Section 42.02 for misuse of electricity.**

5. The representative of the Company filed an objection letter that out of the companies situated in the premises some of the companies started commercial activities with effect from 1.4.2009 due to global financial crisis and also stated that a letter to

this effect has been handed over to the EE, Additional South Division, BESCO Bangalore on 24.04.2009. The Complainant was asked to furnish certain documents noted here below in support of his letter dated 4.6.2009.

1. To intimate the date of occupation of M/s.Deutch Bank in their premises.
2. To produce permission/approval letter obtained from concerned Department of Central/State Government for having changed the activities of M/s.Deutch Bank from Software Development to commercial activity since MNC.
3. To produce transaction details of M/s.Deutch Bank monthly/annually and taxes paid.

6. The consumer has not produced any of the above stated documents but instead produced a lease deed amendment executed on 15.4.2009 on a stamp paper value of Rs.100/- purchased in SBM on 20.06.2009. This document was concluded to be fictitious as the date of the stamp purchased is 20.06.2009 but the amendment was shown to be executed on 15.4.2009.

7. Subsequently, it was learnt from different agencies and branches in India and abroad M/s.Deboi Services is engaged in electronic city phase II in the activity of private wealth management and banking services only. **This enquiry was made orally and the fact was ascertained.** Considering these facts, a speaking order was passed on 20.06.2009 confirming the back billing charges of Rs. 2,90,78,801/-. The consumer was asked to remit the amount within 30 days and simultaneously to regularize the misuse of tariff by observing BESCO formalities.

8. The consumer registered an application for change of tariff by paying Rs.250/- vide receipt No.9343 on 25.6.2009 from HT-2(a) to HT-2(b) for the entire RR No. S8-HT 30 and executed a fresh agreement under HT-2(b) tariff. For the back billing charges the Complainant approached the BESCO Corporate Office and filed an appeal on 24.7.2009 and the appeal was accepted by the appellate authority vide letter No.DGM(R&A)BC-27/3055/9-10/155-56 dated 25.7.2009 As per the directions of the Appellate Authority the Complainant paid 50% of the BBC amounting to

Rs.1,45,39,401/- vide receipt No. 10338 dated 25.07.2009 But he did not pay 1% service charges which is required to be paid while filing the appeal.

9. Strangely, on 24.07.2007, a complaint was filed before the 2nd Respondent without further pursuing the matter with the Appellate Authority. **The matter was heard by the 2nd Respondent and after lapse of a lot of time, an order No.CGRF/28/2009/787-792 dated 17.4.2010 was passed disposing the complaint as not maintainable before it for want of jurisdiction which forced the Complainant to file an appeal before this authority on 17.4.2010.**

10. The 1st Respondent says that he has submitted parawise comments to this authority also **wherein it is maintained that the decision arrived at by the 2nd Respondent is in order** as the grievances falling within the purview of the provisions of 42.02 of COS framed under the provisions of Section 126 of the Electricity Act 2003 are excluded from the jurisdiction of the 2nd Respondent and the Complainant has to only appeal to Appellate Authority under the provisions of Section 127 of the Electricity Act 2003.

11. The Assessing Officer is empowered to back bill the installation and the request made by the Complainant to revise and collect the higher tariff for a period of 6 months without penalty is not correct.

12. Further he submits that the Sub Division office is at liberty to revise the original back bill demand charges after filing an appeal before Appellate Authority and follow the provisions of the Section 126 of Electricity Act 2003, wherein it is clearly mentioned that Back Bill may be preferred for the entire period of misuse of energy or limited to 12 months if the period of misuse is not available. In the instant case, the period of misuse is ascertained and there was bonafide mistake done by the 1st Respondent. He further states that the same would be rectified after securing appropriate approval. **He requested this Authority to uphold the order of the 2nd Respondent and to reject the prayer of the Complainant.**

B. The statement of the Executive Engineer, Additional South Division

1) He states that the tariff of this installation bearing RR No. S8HT 30 was changed to HT-2(a) on 20.7.2001 on a request from the consumer with a certificate from the department of Industries and Commerce, Government of Karnataka dated 9.3.2001 for industrial purpose. Subsequently, there were additional sanctions and finally bringing the total contract demand to 4000 KVA from 27.11.2004.

2) He further states that during the month of April 2009, the consumer approached asking for the procedure to convert some of the companies in the premises from HT-2(a) to HT-2(b). He did not remember whether any letter is given in writing in this regard. He expressed his desire to visit the installation and guide them in following the procedure laid down to bifurcate the HT installations to provide separate connections for different tariff.

3) Accordingly, he visited and inspected the installations during the 3rd week of May 2009 and explained them as to how the load were to be bifurcated but by that time the AE of the area had inspected on the instructions of the 1st Respondent and had drawn a mahazar that the major portion of the installation was used for commercial purpose (54%) and a notice was served demanding back billing charges for 6 months for misuse of energy.

4) He felt that the consumer should have followed the procedure before switching over from usage of HT-2(a) tariff to HT-2(b) tariff but as per the mahazar it was found that he was using the portion of the installation for commercial purpose. **Therefore, he had nothing to say at that stage as he wanted to verify the records of his subordinate officers in connection with mahazar etc.**

5) Later during the hearing, he was also called by the 2nd Respondent and he deposed before the 2nd Respondent. Subsequently the matter was before the 2nd Respondent for a long time. In the meanwhile, 50% of the back billing was paid by the

consumer and the 2nd Respondent passed an order that they have no jurisdiction. Now, the Complainant is before this Authority for passing a suitable order.

C. Per contra, the Advocate for the Complainant argues as under:

1. The 2nd Respondent has erred in shirking his responsibility as the provision 42.02 is a declaratory provision and not mandatory in nature. The enabling provision contained in Section 42(5 & 6) of Electricity Act 2003 wherein it is clearly stated that any consumer who is aggrieved can approach the Forum for redressal of grievances. Even the Regulation 42.02 contains certain acts and actions to be taken by the Assessing Officer in the absence of which the action will be not in accordance with the provision. One of the **concomitant** of this provision is the onus placed on the Assessing Officer to act in accordance with the provisions, but he has not acted in the manner prescribed and, therefore, **it was rightfully urged before the 2nd Respondent to redress the grievance of this Complainant.**

2. The Principal Company M/s.Velankini Information Systems and other Companies accommodated in Technical Park are established in 22 acres of land.

3. In respect of M/s. Deboi Operations International, the STPI granted a certificate on 10.1.2006 and the name of this entity was changed to DBOI Global Services Private Limited by an order of the STPI on 29.7.08

4. The park was being visited periodically by the officers of the Respondent company and the 1ST Respondent every month for the purposes of reading the electrical meter to serve the monthly consumption bill, etc.

5. This petitioner has for purposes of assessing consumption of electricity in respect of different entities in occupation of portions of the park has provided with electrical meters and the respective bills used to be worked out and paid to the Respondent Licensee by the petitioner. **This was not objected to and this practice is in vogue in almost all the technological parks.**

6. The Complainant was the sole consumer of the electricity and was all along acting as such. At no point of time, the Respondent has raised any objections or cautioned about the usage of electricity in respect of any of the entities.

7. The Respondent did not arrange for meter testing or calibration which is mandatory as per rules. There was absolutely no dispute with the Respondent.

8. Sometime during April 2009, it was felt that the operations now taken up by the DB international may not be in line with the tariff under which the bills are rendered in respect of all the entities and hence resolved to seek advice and to initiate follow up action. Although the response was positive by the jurisdictional officer both at sub divisional and divisional level, but at the sub divisional level the issue was given a peculiar twist and hence what was a simple issue of according approval for a change of tariff with load bifurcation to effect the unit D.B. to be brought under commercial tariff was unjustly back billed alleging misuse of tariff by invoking provision of regulation 42.02 of the conditions of supply of electricity.

9. It is left open to the discretion of this Authority whether the impugned mahazar which forms the basis for the building up of the case is valid or liable to be trashed. The Mahazar suffers with legal infirmities for the reason that it was not drawn in accordance with law and also not drawn by the Assessing Officer.

10. At this juncture, it is stressed that this Petitioner's use of electricity was bonafide i.e. used in good faith. There was absolutely no fraud and the electricity was used honestly and openly. The installation was always open to inspection. It was the genuine feeling that the work carried by the DB Global Services for which the STPI had accorded approval on 29.7.08 falls under IT Services attracting that the tariff under which it was being billed.

11. In this context, it is submitted that the dividing line between an IT entity and a BPO (Business Process outsourcing) is so thin that one is tempted to confuse one for the other. It was a matter of coincidence that a news item appeared in the Times Business dated 9.6.2010 wherein the BPO sector came into focus. In the said news item, the clubbing of ITs with BPOs is of significance to the issue at hand. It reads:

“The ITs/ BPO sector has been a great economic leveler, it fuelled the aspirations of the millions of urban and rural youth in the country.”

Every IT company establishes a Master Data Centre and Data Reserve Centre to cater to the needs of their clientele what is in common parlance termed as “Call Centre”. There being no exception, the Complainant petitioner produced a news item pertaining to one such I.T. Industry, the “Mind Tree”, which is euphoric with bagging a “U.I.D.” project i.e. Maintenance Service Contract. The project involves services across the application life cycle. A copy of the news item appearing in the Times of India dated 18.6.2010 is produced for perusal.

In this context it is of interest to take note of a 400 crore worth of contract entered into by BESCO with Infosys under RAPDRP scheme under which the BESCO intends to establish a “Record Room” to preserve the data of each of its consumers under HT-2(A) tariff entrusted to Infosys to develop and preserve the same. The question is whether this activity taken up by Infosys debars them from availing electrical supply under HT-2(A)? Like wise almost all the I.T. company are maintaining such dual services without branded as commercial; but very peculiarly off and on this unit has become a target for such uncalled for periodical “Mahazaars” with ulterior motives.

This is the working pattern in DBOI Global which is working under a valid license issued by STPI. The unit has developed its own software and carries its operations which by no stretch of imagination can be termed as “Commercial” in the terms of Tariff projections.

It is of concern that the concerned are bent upon slaughtering the golden egg laying goose to draw some immediate gains by way of conjured up back bill. The BESCO has converted back billing into a source of revenue which is a retrograde practice and against this practice the Courts have come down heavily.

12. Further to avoid disconnection of the installation in respect of the disputed back bill the petitioner filed an appeal and deposited 50% of the disputed bill and opted to file a complaint before the 2nd Respondent against the arbitrary conclusions of the 1st Respondent in re-classification of the tariff without calling for objections and arbitrarily back billed under a provision not applicable to the instant case.

13. This Complainant very rightfully filed a Memorandum of Complaint before the 2nd Respondent for redressal of his grievance. The 2nd Respondent as a matter of precedence was duty bound to admit the complaint and after giving a fair hearing pass a considered order. This petitioner was not questioning the back bill but the questionable procedure adopted which contravenes the provisions of law.

14. This petitioner invites provisions of Section 42 (5 & 6) of Electricity Act 2003 by virtue of which a consumer can lodge complaint for redressal of his grievances before the 2nd Respondent and also before the Ombudsman in the event of failure to redress the grievance by the 2nd Respondent. The conclusions of the Forum that it has no jurisdiction were wrong. It has in its glorious past had come to the rescue of several such complainants. One such being the Complaint filed by M/s. Mindtree in case No.CGRF/10/2008. A copy of which is produced herewith for reference. It goes to show that the Petitioner was unjustly discriminated vis-à-vis similarly placed complainants. Hence aggrieved by such an unjust order, this Complainant petitioner has approached this authority to undo this injustice.

15. In another case of far-reaching significance the Forum had not only admitted the complaint of M/s.Satyam Computers but after hearing the complaint had imposed a cost of Rs.5000/- against the official of BESCO with the vigilance who had filed a wrong report against the complainant company. The imposition of fine against their employee was appealed before this authority by the Licensee and this Authority entertaining the appeal has set aside the fine. This goes to show that the 2nd Respondent is not barred from entertaining complaints against such arbitrary acts of the employees of the Licensee.

16. The case of this Petitioner was vitiated and failed to get the desired justice as it was a victim of personal prejudices and proclivities resulting in miscarriage of justice. It is a matter of great pain and regret that the issue was interfered with and the Hon. Members of the 2nd Respondent could not act freely and the issue was unnecessarily dragged on for months together. This has ended in a miscarriage of justice.

Under these circumstances, the complainant humbly submits before this Authority to grant the prayer made at Para III above in the interest of natural justice.

VI. Findings:

1. The change of tariff to this installation was effected on 20.7.2001 based on a certificate issued by the Industries and Commerce Department of GOK.
2. This installation was visited and inspected at least every month by the area Assistant Engineer and the 1st Respondent for monthly readings and issue of bills etc.

3. On 18.9.2007, there was an inspection and a report drawn by the area AE(E) alleging misuse by some of the Companies for commercial purpose and the installation was back billed. When claim was protested, the area AE(E) and the 1ST Respondent visited again and inspected on 29.10.2007 and satisfied that there was no misuse
4. Due to global financial crisis some of the companies in the premises diversified their activities from 1.4.2009. The Complainant discussed the issue of tariff applicability. Since he was unable to get proper guidance, he approached the Executive Engineer concerned and gave a letter on 24.4.2009. The EE assured to visit the premises and guide them to bifurcate the loads, according to the activities of the Company.
5. **The Complainant by doing so has invoked the provisions of Section 39.01 of COS where on request, a Licensee may permit use of power from one type of use to another type of use subject to the following conditions.**
 - a) An application shall be made.
 - b) Additional deposits, if any, shall be paid.
 - c) Minimum charges, if any, shall be continued to be paid till the expiry of initial guaranteed period
 - d) A fresh Agreement applicable to the new type of use shall be executed.
 - e) Necessary licence that is required from the local authority for the changed category of the installation shall also be furnished.
 - f) Contractor's completion-cum-test report shall be furnished if there is any changed in the wiring.
 - g) The Consumer shall pay the charges for conversion as per Clause 30.12 (c) as applicable to the category of installation.

The Complainant's request needs to be considered under this provision and the CGRF and the Ombudsman have jurisdiction to settle the grievance.

6. Instead of following this procedure, the officers of the Respondent Licensee have resorted to penalize the Complainant under 42.02 of COS dragging the case under Section 126 of the Electricity Act, 2003.
7. The installation was being visited frequently by the 1st Respondent and his officers. During their recent visits including 1st of April 2009, they have not raised any issues.
8. Further, under provisions of Clause 26.02 of COS, the periodicity of testing **shall** be every six months for HT installations. The Respondent Licensee has failed to discharge its duties as per this Clause.
9. Only when the Complainant filed a request on 24.4.2009 to convert some of the installations into commercial category by bifurcating them, the AE(E) was deputed to inspect on 21.5.2009. and on his request, the back billing was claimed in terms of the provisions of 42.02 of COS governed by Section 126 of the Electricity Act, 2003.
10. In the Hon'ble High Court of Allahabad in Writ Petition No.21073 of 2008 (Ashok Kumar & others Vs State of UP and others) and another 19 Writ Petitions, the Divisional Bench has dealt at paras 58, 59 and 60 as to the responsibilities of the Assessing Officer and the procedure to be followed before a person is indicted and condemned under Section 126 of the Electricity Act, 2003.
11. In the instant case, the Assessing Officer should have visited the premises and was required to follow proper procedures, let alone following the procedures laid down by the Hon. High Court of Allahabad. He simply deputed the Section Officer who is stated to have drawn a mahazar which has not been drawn as per law. The Complainant was to be called for a personal hearing by the 1st

Respondent. This was not done. On these grounds, the claim of back billing charges demanded vide Notice No.AEE(ELE)S-8/M(E&C)/SA/805 dated 27.5.2009 AND AEE/S-8/AAO/SA/1248 dated 20.06.2009 have to fail.

12. As regards applicability of industrial tariff, under the policy of the State or the Central Government, the tariff concession is extended. In the tariff order 2005, which was in force till 25.11.2009 under HT-2(a), there was no mention as to from what department the certification of concession was to be obtained. In a new Tariff Order 2009 with effect from 25.11.2009 under HT-2(a) tariff , it is now clearly mentioned that "Information Technology Industries engaged in development of hardware and software as certified by the IT and BT department of GOK, GOI" are to be considered for tariff concession.
13. Several cases have been built up by the Respondent Licensee under Section 126 on the plea that the consumer was having certificate from Industries and Commerce Department but not having certificate from the IT/BT Department.

The following cases are quoted by the Complainant's Counsel:

1. M/s. Mindtree
2. M/s.Satyam Computers

Back billing claimed on these companies have been set aside by the 2nd Respondent. These cases were booked under Section 126 of the Electricity Act 2003.

14. The 2nd Respondent has erred in not deciding the instant case for want of jurisdiction, whereas in similar cases cited above, it has interfered.
15. **This is a clear case invoking the provisions of 39.01 and not 42.02 and does not attract the provisions of Section 126 of the Electricity Act 2003. It is, therefore, held that the 2nd Respondent has jurisdiction and, therefore, this Authority also has jurisdiction and this appeal complaint is maintainable. Therefore, this Authority, on these grounds,**

proceeds further to pass an order by setting aside the 2nd Respondent's Order .

16. There was a change in the activities of the industry only after the STPI issued approval for DB Global Services on 29.7.2008 and from 1.4.2009 there were changes in the activities due to global financial crises and the Complainant approached the area EE of the BESCO on 24.04.2009 requesting for guidance and converting tariff from one type of use to another type of use as per Clause 39.01 of COS.
17. The Respondent Licensee has now to bifurcate and convert the tariff as required and service separate HT connections as requested.
18. STPI vide its letter No.EIG/DB OPERATIONS/GEN/40377 dated 10.1.2006 has communicated Government approval for three years from 10.1.2006 for "Development of Computer Software/IT enabled Services" and accordingly the Company was eligible for HT-2(a) tariff and was billed accordingly and hence the Complainant is not at fault and is not liable to pay the demand made by the 1st Respondent
19. The Complainant has volunteered to pay at the rate of normal higher tariff minus the amount already paid under HT-2(a) for six months on the ground that it has already started diversification from 1.4.2009 and made a request to th EE on 24.4.2009 for a change of tariff. After going through the facts, it is held by this Authority that the Complainant is liable to pay the HT-2(b) tariff at normal rate minus the amount already paid under HT-2(a) from 29.7.2008 on account of change of name approved by STPI vide its letter No. STPI/ B /namechange /20080723 /000/2/17282 dated 29.7.2008/

Having regard to the facts and the above findings, following Order is passed:

VII.**ORDER**

- 1) The Order No.CGRF/28/2009/787-792 dated 17.4.2010 passed by the 2nd Respondent is set aside.
- 2) The back billing charges claimed vide notices No.AEE(ELE)/s-8/M(E&C)/SA/805 dated 27.5.2009 and AEE/S-8/AAO/SA/1248 dated 20.6.2009 from the 1st Respondent are quashed .
- 3) The Complainant is liable to pay the HT-2(b) tariff at normal rates from 29.7.2008 minus the amount already paid under HT-2(a) tariff. This amount be deducted from the 50% of the amount already remitted and balance amount refunded by way of adjustment in future bills of the Complainant.
- 4) The Respondent Licensee is directed to bifurcate the loads by providing separate meter for different tariff as per Clause 39.01 of COS. Till then billing shall be made based on recording of consumption of individual meters of the companies.

(S.D.Ukkali)
Ombudsman

1. M/s.Velankani Information Systems Pvt.Ltd., 43, II Phase, Electronics City, Bangalore-560100
2. The Consumer Grievance Redressal Forum, BESCO, Central Stores Premises, near ESI Hospital, Rajajinagar, Bangalore-560010
3. The Asst.Executive Engineer (Ele), S-8 Sub Division, BESCO Kudlugate, Hosur Main Road, Bangalore.
4. The Managing Director, BESCO Corporate Office, K.R.Circle, Bangalore-560001.
5. PS to Hon.Chairman, KERC
6. PS to Hon.Member(H), KERC

7. PS to Hon.Member(S), KERC

8. PS to Secretary, KERC

9. Director (Tariff)

10. Deputy Director(Legal)

11. O.C.A.

