

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF APRIL, 2014

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

W.P.No. 19682/2014 (GM-KEB)

BETWEEN

VISHAL GOWDA T P
S/O PUTTAPPA GOWDA
AGED 65 YEARS
THATTUR A/P
SORUBA (T)
SHIMOGA (D) - 577427

... PETITIONER

(BY SRI SUMANTH KUMAR S PATIL, ADV.)

AND

1. THE MANAGING DIRECTOR
MESCOM
A.B.SHETTY CIRCLE
MANGALORE 575001
2. THE EXECUTIVE ENGINEER
MESCOM, SHIKARIPURA
SHIKARIPURA (T)
SHIMOGA (D) -577427
3. THE ASSISTANT EXECUTIVE ENGINEER
MESCOM, ANAVATTI
SORABA (T)
SHIMOGA(D) - 577429

... RESPONDENTS

(BY SRI B RUDREGOWDA, ADV. FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227
OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE
RESPONDENTS TO CONSIDER THE REPRESENTATION DATED

15.3.2014, FILED BY THE PETITIONER VIDE ANNEX-E AND FURTHER BE DIRECTED TO GIVE ELECTRICITY CONNECTION AS PER THE REQUEST MADE BY THE PETITIONER.

THIS PETITION IS COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. In this writ petition, petitioner is seeking a writ of mandamus against the respondents to consider the representation dated 15.03.2014 vide Annexure-E and for a further direction to the respondents to restore the electricity connection to the installation in question.

2. As per the petition averments, family of the petitioner was running a rice mill since 1975. Respondents have supplied electricity to the rice mill. The electricity supply has been disconnected during the year 2008 allegedly due to non-payment of electricity charges. According to the petitioner, after the partition in the family, rice mill came to his share and therefore, he gave a representation to the 3rd respondent on 18.09.2013 and requested for reconnection of the electricity. According to the petitioner, respondent – Authorities asked the petitioner to pay a sum of Rs.63,018/-, whereupon the petitioner paid Rs.20,000/- on the same day, agreeing to pay the balance amount subsequently.

3. It is the further case of the petitioner that when he offered to pay the balance amount, to his surprise, the 3rd respondent refused to receive the amount on the ground that he had instructions from the higher authorities not to give reconnection because there was variation in the amount found due. However, after repeated request, petitioner was informed vide Annexure-D that total amount due was Rs.1,82,821/- after deducting the amount of Rs.20,000/- that was already paid. It is in this background, petitioner has made a representation to the 1st respondent on 15.03.2014 disputing the calculation made and requesting for reconnection having regard to the amount already paid. This representation has not been considered. This is how the petitioner is before this Court.

4. Sri B Rudragowda, learned Standing counsel for the MESCOM was directed to take notice and secure instructions. On instructions, he submits that the amount has been calculated in terms of the Regulations contained in the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka (for short 'the Regulation). It is his submission that though electricity was disconnected with effect from 18.07.2008, minimum charges are required to be paid as

long as the agreement subsists in terms of Regulation 33. However, he is not in a position to substantiate how the calculation could be made at Rs.1,82,000/- and under what provision interest could be claimed on this amount. He, therefore, fairly submits that the Authorities will consider the representation submitted by the petitioner and pass appropriate order. He also contends that in case the petitioner wants reconnection, he has to deposit atleast a sum of Rs.1,00,000/- with an undertaking to pay the remaining amount after the order is passed.

5. Learned counsel appearing for the petitioner submits that the calculation is highly arbitrary and is not in accordance with the Rules. It is his submission that the petitioner is not liable to pay electricity charges for the period from 2008 onwards as the electricity has been completely disconnected by seizing the meters.

6. Having regard to the respective submissions and on perusal of the materials on record, I find that petitioner has not been heard before making the impugned calculation. As the petitioner has already submitted a representation, the 3rd respondent is directed to consider the representation and pass

an order after hearing the petitioner. As the petitioner has already paid a sum of Rs.20,000/- and as the counsel for the petitioner submits that the petitioner is prepared to pay Rs.50,000/-, the 3rd respondent is directed to receive the said amount of Rs.50,000/- and restore electricity connection by taking an undertaking from the petitioner that he will pay the balance amount to be found due in accordance with law. If the petitioner pays a sum of Rs.50,000/- within two weeks and gives an undertaking as stated above, the 3rd respondent is directed to restore the electricity connection forthwith.

Petition is accordingly disposed of.

**Sd/-
JUDGE**

VP