

**(1990) 03 KAR CK 0029**  
**In the Karnataka High Court**  
**Case No : W.P. No. 7322/1988**

K.V. Indira

APPELLANT

Vs

Karnataka Electricity Board and Another

RESPONDENT

**Date of Decision :** 14-03-1990

**Acts Referred:**

Karnataka Electricity Board Electricity Supply Regulations, 1988 — Regulation 28(A)

**Citation :** (1990) 2 KarLJ 355

**Hon'ble Judges :** M. P. Chandrakantaraj Urs, J

## **Judgement**

Chandrakantaraj Urs, J.-Petitioner is aggrieved by the bill issued as at Annexure "A" demanding a sum of Rs. 18,091-10 by the respondent-Karnataka Electricity Board. Bill is dated 19-4-1988. From the contents of Annexure-A, it is clear that the said amount is claimed on account of the faulty meter which was found reading 45 per cent slow thereby recording that much less energy consumption in respect of the installation of the petitioner.

The Karnataka Electricity Board Regulations which were at the relevant point of time in force, provide in clause (a) of Regulation 28, method of billing in respect of consumption of energy by an installation on account of faulty meter. Annexure-A displays the manner in which the back billing has been done. The meter was found to be faulty on 25-1-1988. It is thereafter that the billing has been done. The recorded consumption for August, 1987, September 1987, October 1987, November 1987, December 1987 and January 1988 are taken into account. As recorded by the faulty meter and thereafterwards, apparently 45 per cent is added to the actual consumption recorded and the difference claimed. This is not the method or procedure provided under clause (a) of Regulation 28 of the Karnataka Electricity Board Regulations which were in force at the relevant point of time. Clause (a) of Regulation 28 reads as follows:

"28.01. Should the consumer dispute the accuracy of the Board's meter, he may upon giving notice and paying the prescribed fee, have the same tested by the Board or the Electrical Inspector. In the event of the meter being tested by the

Board and found to be incorrect beyond the limits of accuracy prescribed in the Rules, the cost of testing and all reasonable expenses incidental thereto, shall be met by the Board and the amount of the bill adjusted in accordance with the result of test taken, with respect to the meter readings of the 3 billing months prior to the month in which the dispute has arisen, due regard being paid to the conditions of the working, occupancy, etc., during the previous 3 months."

Notices were issued on 12-5-1988. Respondent-Board has been served and represented. No statement of objection has been filed. To-day the matter coming up for preliminary hearing after notice, counsel for Electricity Board is absent. Therefore, this matter is disposed of placing the Board exparte.

As there is no denial of the allegations made by the petitioner and patently the impugned bill at Annexure-A does not conform to any one of the modes specified in Regulation 28(1) extracted above, the demand is liable to be quashed. Accordingly, it is quashed with liberty reserved however to the Board to proceed to issue fresh demand in accordance with law if the following conditions are satisfied:

- (1) that the meter is running slow by 45% must be demonstrated and established to the satisfaction of the consumer-petitioner;
- (2) One of the modes specified in clause (a) of Regulation 28 must be followed in accordance with requirement of the situation in the case of the petitioner.

Rule will accordingly issue and be made absolute.

Writ petition allowed.