
(2013) 10 KAR CK 0146

In the Karnataka High Court

Case No : Writ Petition No. 46152 of 2013 (GM-KEB)

M/s. Viom Networks Ltd.

APPELLANT

Vs

The Bangalore Electricity Supply Company Limited

RESPONDENT

Date of Decision : 11-10-2013

Acts Referred:

Citation : (2013) 10 KAR CK 0146

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : B.N. Jayadeva, for the Appellant; B. Rudragowda, for the Respondent

Final Decision : Disposed Off

Judgement

B.S. Patil, J.—In this writ petition, petitioner is aggrieved by the demand notices dated 15.03.2013 and 18.04.2013 vide Annexures-A & C issued by the 2nd respondent-Assistant Executive Engineer (Elec), City Sub-Division-1, Kothi Thopu, BESCOM, Tumkur. By the said notices, petitioner is called upon to pay a sum of Rs. 2,78,633/- towards back billing and short claim charges. The charges are sought to be levied on the petitioner on the ground that when inspected the meter installed to the premises (telecom tower) of the petitioner, was found running slow by 45.52% compared to its normal monthly consumption.

2. Petitioner has urged several grounds in support of the relief sought including the assertion made stating that he is unable to file an appeal because the final order assessing back billing and short claim charges has not been passed/served on the petitioner and only demand notices are served.

3. Counsel appearing for the respondents submits that an order has been indeed passed on 19.06.2013 and the demand notices are issued consequent to the passing of the said order. He points out that in the order itself, petitioner has been informed of the provision for preferring an appeal against the order passed. A copy of the order is placed for the perusal of the court. Petitioner is also now served with the copy of the order.

4. Counsel for the petitioner submits that the petitioner-company is without any power supply for the last four months and is incurring recurring loss. He submits that without prejudice to the rights and contentions of the petitioner, petitioner will deposit 50% of the amount assessed and demanded within a week from today, if the respondents are directed to restore the electricity supply to the petitioner's premises/telecom tower. He further points out that the petitioner will avail the opportunity of preferring a statutory appeal within 15 days from today, provided such a direction is issued by this Court.

5. In the light of the submissions made at the bar by the Counsel for the parties and keeping in mind the ends of the justice, I find that the petitioner has to prefer an appeal challenging the assessment order and the consequent demand notices issued as there is statutory remedy of appeal.

6. However, pending filing of such an appeal and having regard to the nature of the allegation made against the petitioner, I am of the view that the electricity supply shall be immediately restored on the petitioner depositing 50% of the amount assessed and demanded. If such an amount is deposited immediately, without any further loss of time, the respondents shall forthwith restore the electricity to the petitioner's installation. It is needless to observe that the same will be subject to the result of the appeal to be presented by the petitioner before the Appellate Authority. Petitioner is given 15 days' time to present the appropriate appeal before the Appellate Authority. Writ petition stands disposed of in terms stated above.