

D-793

# BEFORE THE ELECTRICITY OMBUDSMAN

9/2, 6<sup>th</sup> Floor, Mahalakshmi Chambers, M.G Road, Bangalore – 560 001

**Present: B.N.Krishnaiah  
Electricity Ombudsman**

**Case No.OMB/C/G-268/2016**

**Dated : 15- 11-2016**

C.S.Sudarshan,  
No.17, Khatha No.1241/17,  
Mandakalli village,  
Mysore Taluk, Mysore

... Appellant

(By Sri C.R.Aswathanarayana, Authorised Representative)

V/S

1. The Assistant Executive Engineer, (EI),  
O & M sub-division,  
Chamundipuram, Vidyanarayapuram,  
Near Bata Showroom, Mysuru

(Party in person)

2. The Chairperson  
CGRF & Superintending Engineer,  
Chamundeshwari Electricity Supply Corporation  
Jodi Basaveshwara Road,  
Kuvempu Nagar,  
Mysuru

... Respondents

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1. This is an appeal under clause 21.02 of KERC (CGRF & Ombudsman)

Regulations, 2004 against the orders passed by CGRF, CESC, Mysuru dated 05.08.2016.

2. Comments were called vide letter dated 15.09.2016 from the respondent AEE and he has submitted the reply vide letter dated 24.09.2016.

3. Both the appellants and the 1<sup>st</sup> respondent were informed vide letter dated 13.10.2016 regarding availability of sub-section 20(1) of KERC (CGRF & Ombudsman) Regulations, 2004, which both the parties have not availed. Hence, this Authority proceeds to pass orders on merits of the case.

4. The appellant in his appeal memo has submitted as follows :

(a) The appellant has applied for permanent electricity connection on 16.04.2016 in respect of the property having Khata Number 1241/7, Mandahalli village, Mysuru;

(b) The AEE has not taken any action on the application of the appellant. Rather asked for the appellant to submit the documents which are not prescribed under KERC Regulations;

(c) Against the inaction of the AEE, the appellant has approached the CGRF and the CGRF has dismissed the appeal.

5. The AEE in his reply dated 24.09.2016 has submitted as follows :

(a) On the application submitted by the appellant seeking power connection, spot inspection was conducted, and the documents submitted by the appellant indicates that, in an extent of 1 acre 11 guntas in survey number 303/2 and 304/3 of Mandahalli village, Mysuru Taluk, 22 sites have been formed. This land has been

converted for non-agricultural purpose by the Deputy Commissioner, Mysore, vide order dated 25.04.2012 in the name of M.N.Vijayakumar;

(b) However, Sri Vijayakumar has not obtained permission from the competent authority for the layout plan and has sold site number 17 measuring 30' x 40';

(c) The appellant was informed by letter dated 03.06.2016 about the defects, and was requested to submit the relevant documents for providing electricity connection;

(d) Appellant has not obtained approval for the layout from District Town Planning Authority, or Urban Development Authorities, Mysuru and then apply for electricity connection as per KERC Regulations;

(e) The process of layout is still in the formation stage. Without approval of the layout plan, it cannot be considered as pacca Layout and the provisions of Clause 3.2.391, 92) and (3) of the KERC (Recovery of Expenditure) Regulations is not applicable.

6. Both the parties orally reiterated their written submissions at the time of enquiry of the case.

7. The authorised representative for the appellant submitted that roads are formed, under ground drainage facility is provided, pipes are laid down for providing water to the residents, electricity connection is given to the borewell and the water is being pumped to the over head tank. Further, submitted that in Mysore City the CESC has provided electricity connection though there is no approved plan and the appellant alone has been denied.

Further submitted that sites adjacent to the layout of the appellant, the CESC has provided street lights.

7. On perusal of the records and submissions made by both the parties it is seen that the request of the appellant needs a relook. Hence the appeal is allowed. The case is remanded to the Licensee with a direction to reconsider the request of the appellant. If need be to conduct detailed spot inspection and pass suitable orders as per law at the earliest.

Sd/-

**(B.N. Krishnaiah)**  
**Electricity Ombudsman**

To :

1. Sri C.R.Aswathanarayana, Hindustan Electricals, Sri Vasavi Nilaya, Shivarampete, Mysuru – 570 001.
2. The Assistant Executive Engineer, (EI), O & M sub-division, Chamundipuram, Vidyaranyapuram, Near Bata Showroom, Mysuru
3. The Chairperson CGRF & Superintending Engineer, Chamundeshwari Electricity Supply Corporation, Jodi Basaveshwara Road, Kuvempu Nagar, Mysuru
4. Managing Directors of ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member (A), KERC
7. PS to Hon. Member (M), KERC
8. PS to Secretary, KERC

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