

D-660

# 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/H/G-226/2015 c/w**

**Case No.OMB/H/G-227/2015**

**Dated : 21<sup>st</sup> March 2016**

**Case No.OMB/H/G-226/2015**

Shri Jagadisha Shivanagowda Goudar,  
R.S.No.106/B, Plot No.17 & 19,  
Vidyagiri, Bagalkot

... Appellant

**(By N.S.Malpani, Authorized Representative)**

**Case No.OMB/H/G-227/2015**

Mallikarjuna Trust,  
R.S.No.106/B, Plot No.11 & 13,  
Vidyagiri, Bagalkot

... Appellant

**(By Ranganatha M.Padamukhe Authorized Representative)**

V/S

1. The Assistant Executive Engineer(EI),  
O&M, Sub-Division,  
HESCOM, Navanagar, Bagalkot - 587 101

2. The Chairperson  
CGRF, & Superintending Engineer,  
HESCOM, Bagalkot

... Respondents

**(R-1 by Sri H.V.Devaraj, Advocate)**

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1. These two appeals are filed under clause 21.02 of KERC (CGRF & Ombudsman) Regulations, 2004 against the orders passed by CGRF, HESCOM, Bagalkot (here in after referred to as the 2nd Respondent) dated 27.08.2015. The CGRF had clubbed both the complaints 4 and 5 filed in respect of plot numbers 11 and 13 of survey number 106/B and Plot numbers 17 and 19 of survey number 106/B respectively owned by Mallikarjuna Trust and Jagadish Shivanagowda Goudar. Both the complainants were disposed off by a common order dated 27.08.2015 by the CGRF. Aggrieved by the said order of the CGRF both the appellants have come before this Authority. Hence, both the appeals are clubbed together and disposed off by this common order.

2. It is said that one Sri Jagadish Shivanagowda Goudar is the owner of survey number 106/B, Virapura village (now this area is called Vidyagiri), Bagalkot, and he has formed the sites in the said survey number. Subsequently, he has put up construction in Plot number 17 & 19 in survey 106/B. So also Mallikarjuna Trust is putting construction in Plot number 11 & 13 in survey 106/B.

3. For the purpose of construction both the appellants were provided with temporary connection and when they applied for permanent power supply connection, they have been informed by the Authority that it has to be under self execution Scheme. Aggrieved by the said decision of the 1<sup>st</sup> respondent Assistant Executive Engineer, both the appellants have approached the CGRF and both the complaints were dismissed by the common order dated 27.08.2015 holding that the case does not fall under “abandoned layout” as the owner of the land is available and the power

supply has to be given under Regulation 3.2.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 .

4. Regulation 3.2 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004, states thus :

***“3.2 Provision for Low Tension supply for layouts***

*3.2.1 In case of layout approved by competent authority, the developer shall execute at his cost the electric line/plant such as extension works including extension of 11 KV line/ABC cable transformer, LT lines/ABC cable, etc., but excluding improvement/augmentation works in the station and/or works of strengthening of the distribution main, subject to the condition that ;*

- i) XXX*
- ii) XXX*
- iii) XXX*
- iv) XXX*
- v) XXX*
- vi) XXX*

*3.2.2 In case of sites/houses granted to economically/socially weaker sections under any scheme sanctioned by Government of Karnataka or Government of India, the Distribution Licensee shall recover Rs.2,000 per site from the applicant or GoK or Gol or person in charge of the scheme and arrange for power supply. Alternatively the cost of electrification of such layout shall be budgeted in the scheme itself and paid to the licensee.*

*3.2.3 In case of layout where there is a default on the part of the developer and where the developer has not laid the electric line/plant within the layout, the Distribution Licensee shall recover expenditure towards electric line/plant as follows :*

*(i) For sites in the area of Bangalore Mahanagara Palike  
Xxx*

*(ii) For sites coming in other urban areas within the Town limits identified by local/development authority, Rs.4,000 per KW of requisitioned load per site subject to a minimum of Rs.4000/- per site.*

*(iii) For sites coming beyond the Town limits in the layouts other than those referred in sub-clause 3.2.3 (i) & (ii), Rs.3,000/- per KW of requisitioned load per site subject to a minimum of Rs.3,000/- per site.*

*(iv) For sites coming outside the village limits, outside Town Panchayath limits, revenue sites, stray sites, etc., situated in other than abandoned layouts, Rs.3000 per kW of requisitioned load subject to a minimum of Rs.3,000 per site.*

*Note : (1) In all the above cases, (i.e. 3.2.3 (i), (ii), (iii) & (iv) ) for total requisitioned loads, exceeding 3 KW, the charges of appropriate slab rates for such additional loads only shall be recovered as per Clause no.3.1.1. Alternatively the Applicant may execute the line work under self-execution basis.*

*(2) An additional amount of Rs.1,000 per KW for loads above 3  
KW applicable for Bangalore Metropolitan Area xxx*

*3.2.4 In case of layouts/buildings requiring power supply xxx “*

5. As stated supra, under Regulation 3.2.1 the appellants were asked by the Licensee to draw the electrical lines at their own cost and get the power supply. Further, the AEE and the CGRF have held that the layout in question does not come under “abandoned layout” as the owner of the land Sri Jagadish Shivanagowda Goudar, who is also one of the appellants herein, is available and he is not absconding. Further, before the CGRF the Executive Engineer in his statement has stated that “ಅರ್ಜಿದಾರರಿಂದ 3 ವರ್ಷ ಹಿಂದೆಯೂ ಸ್ವಯಂ ಕಾರ್ಯಯೋಜನೆ ಅಧಿನಿಯಮದಡಿ ವಿದ್ಯುತ್ ಸಂಪರ್ಕ ಮಾಡಿಕೊಳ್ಳಲು ತಿಳಿಸಲಾಗಿದೆ”. This statement also supports that the developer has abandoned the project. Hence, I proceed to pass the following order :

### **ORDER**

The appeals are allowed. The order dated 27.08.2015 of the CGRF is hereby set aside. The matter is remanded to the Assistant Executive Engineer to examine the matter afresh and pass order in accordance with law after giving opportunity of hearing to the appellants at the earliest..

Sd/-

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

**To :**

1. Sri N.S.Malpani, Gokula Electricals, Near Jagadish Temple, Guledgudda – 587 201,
2. Sri Ranganath M.Padamukhe, Sector No.10, Plot No.6, Model-C, Navanagar, Bagalokot – 587 103
3. Sri H.V.Devaraj, Advocate, No.39, Shop No.24, Mezzanine Floor, A.S.V.N.V.Bhavan, K.G.Road, Bangalore.
4. The Assistant Executive Engineer, City sub-division, HESCOM, Sector No.25, Navanagar, near SBI, Bagalkot.
5. The Chairperson, CGRF, & O/o Superintending Engineer, HESCOM, Near Engineering College Circle, Vidyagiri, Bagalkot – 587 102.
6. Managing Directors of ESCOMs.
7. PS to Hon. Chairman, KERC
8. PS to Hon. Member (A), KERC
9. PS to Hon. Member (M), KERC
10. PS to Secretary, KERC

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