

BEFORE THE ELECTRICITY OMBUDSMAN

No.16 C-1, Miller Tank Bed Area (Behind Jain Hospital)
Vasanthanagar, Bengaluru-560052.

Present: S.S Pattanashetti,
Electricity Ombudsman,
Case No. OMB/C/G-384/2019
Dated 08/01/2020

In the matter of

Sri A Brahmadeva,
Retd Postman,
S/o. A.B. Anantharajaiah,
Kalpana Kuteera,
Near Gyarahally Bus Stop,
Doddakondagula,
Tejur Grama Panchayath,
Hassan Taluk and District.

- Appellant

Vs

- 1) The Assistant Executive Engineer (Electrical),
O & M (Ele) Dudda Sub-Division, CESC,
Hassan District.
 - 2) Chairperson, Consumer Grievance Redressal Forum/(CGRF)
Hassan District,
Superintending Engineer (Ele),
O & M Circle, CESC,
Hassan District.
- Respondents

- 1) This Appeal/Complaint is filed before this Authority, by Sri A Brahmadeva, (Appellant/Complainant), under the provisions of Clause 21.2 of the KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, in Form 'B' challenging the order No. ಸಿ.ಜಿ.ಆರ್.ಎಫ್/ಹಾಸನ/2019-20/2680-91, dated 12-11-2019 of CGRF, Hassan District, by inter-alia seeking the following reliefs:

- a) To set aside the CGRF order dated 12-11-2019.
- b) To provide permanent power connection to his newly constructed house.
- 2) Brief facts, which are relevant to the case on hand, as claimed by the Appellant/Complainant are as follows:
- 3) The Appellant/Complainant registered an application with the Dudda Sub Division, CESC, Hassan for sanction of power connection of 1 KW on 23-07-2019 for his newly constructed house. The Respondent-1/AEE gave an endorsement on 06-08-2019 that it is not possible for providing power connection. Challenging the endorsement, the Appellant/Complainant filed a complaint before the CGRF Hassan District. The CGRF Hassan District on 12-11-2019 ordered that the endorsement issued by the Respondent-1/AEE is as per rules. Aggrieved by the order passed by the CGRF, CESC Hassan District, the Appellant/Complainant has filed the present appeal/complaint before this authority.
- 4) Both the parties were informed vide this office letter No. OMB/C/G-384/2019/D-1404 dated 11-12-2019, regarding availability of provision of Sub-Regulation 1 of Regulation 20 of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement through conciliation and mediation and to appear before this Authority on 24-12-2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 24-12-2019.
- 5) The Respondent-1/AEE has filed his submission at the time of hearing on 24-12-2019, he has stated that the Appellant/Complainant has registered an application requesting power supply of 1 KW vide

application No. 4182000382 dated 23-07-2019. On inspection the following points were observed: -

- The applicant has constructed the building in Site No. 48 of layout developed in Survey No. 124/8, 124/9 by Sri Kannave Basavegowda S/o. Rudregowda, Doddakondagola Village, Tejur (G.P), Hassan District.
- The developer has constructed the layout in Survey No. 124/8, 124/9 measuring 2 Acres 29 Guntas for total 52 Sites and Site No. 39 is in the name of the developer.
- The developer has not registered any application for electrification of the layout.
- The developer has not created electrical infrastructure as per Condition No. 5 of the land conversion order of the Deputy Commissioner, Hassan District, dated 17-03-2012 and also as per Condition No. 9 of the layout approval order of the Assistant Director, Town and Rural Planning, Hassan, dated 21-04-2006.
- The existing 25 KVA transformer on Kondaji NJY feeder has a total load of 23 HP + 17 KW and if all the sites in the layout are serviced as per Condition 3.2.3 of KERC, the existing transformer will be overloaded and there is no space for erecting the new additional transformer.
- If the applicant's building is serviced as per Condition 3.2.3 of KERC then none of the applications in Sub Division limits will be registered for layout electrical infrastructure creation and all the applications have to be considered as per 3.2.3 of KERC.

Hence it is of the opinion that power supply to the applicant's building will be arranged after creation of necessary electrical infrastructure to the layout as per KERC rule 3.2 and 10 by the developer of the layout.

- 6) Perused the appeal memo, submissions made by the Respondent-1/AEE the CGRF order dated 12-11-2019. The provisions of Clause 3.2.3 (ii) of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 are applicable to the case on hand. Extract of the provisions of Clause 3.2.3 (ii) is reproduced here below:

“In case of layouts 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 coming in the areas of Bangalore Mahanagara palike, B.D.A and its agglomeration area and also in the areas of city corporation and its agglomeration areas of Mysore, Mangalore, Hubli, Gulbarga and Belgaum.
 - a) For sites having dimension of 1200 sq.ft & less, Rs 4,000/- per KW of requisitioned load subject to a minimum of Rs 4,000/- per site.
 - b) For sites having dimension of more than 1200 sq.ft, Rs 4,000/- per KW of requisitioned load subject to a minimum of Rs 12,000/- per site.
 - 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 4,000/- per site”.
- 7) Chamundeshwari Electricity Supply Company (CESC) has submitted a petition to KERC for amendment of Clause 3.2.3 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004. In the

proposed amendment they have sought for an increase in Recovery of Expenditure towards electric line/plant as follows:

Sl. No.	Description	As existing	Amendment sought
1	For sites coming in the areas of Bangalore Mahanagarapalike, B.D.A and its agglomeration area and also in the areas of city corporation and its agglomeration areas of Mysore, Mangalore, Hubli, Gulbarga and Belgaum.		
	a) For sites having dimension of 1200 sq.ft and less	Rs 4,000/- per KW subject to a min. of Rs. 4,000/- per site.	Rs 8,000/- per KW subject to a minimum of Rs 8,000/- per site.
	b) For sites having dimension of more than 1200 sq.ft	Rs 4,000/- per KW subject to a min. of Rs. 12,000/- per site.	Rs 8,000/- per KW subject to a minimum of Rs 24,000/- per site.
2	For sites coming in other urban areas other than the town limits identified by local/development authority.	Rs 4,000/- per KW subject to a min. of Rs. 4,000/- per site.	Rs 8,000/- per KW subject to a minimum of Rs 8,000/- per site.
3	For sites coming beyond the town limits in the layout other than those referred in Sub-clause 3.2.3(i) & (ii)	Rs 3,000/- per KW subject to a min. of Rs. 3,000/- per site.	Rs 6,000/- per KW subject to a minimum of Rs 6,000/- per site.
4	For sites coming outside the village limits, outside Town Panchayat limits, revenue sites. Stray sites etc., situated in other than abandoned layouts.	Rs 3,000/- per KW subject to a min. of Rs. 3,000/- per site.	Rs 6,000/- per KW subject to a minimum of Rs 6,000/- per site.

- 8) The Petition is pending before the KERC for orders. It would not be correct on the part of this authority to issue directions to the licensee when their proposal for amendment to the KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 is pending.
- 9) In view of the foregoing paras the following order:

O R D E R

The Respondent is directed to give power connection to the building of the Appellant, immediately after the KERC passes an order on the Petition filed by the licensee.

Sd/-
(S.S Pattanashetti)
Electricity Ombudsman.

- 1) Sri A Brahmadeva, Retd Postman,
S/o. A.B. Anantharajaiah,
Kalpana Kuteera, Near Gyarahally Bus Stop,
Doddakondagula,
Tejur Grama Panchayath,
Hassan Taluk and District.
- 2) The Assistant Executive Engineer (Electrical),
O & M (Ele) Dudda Sub-Division, CESC,
Hassan District.
- 3) Chairperson, Consumer Grievance Redressal Forum/(CGRF)
Hassan District,
Superintending Engineer (Ele),
O & M Circle, CESC,
Hassan District.
- 4) PS to Hon'ble Chairman, KERC
- 5) PS to Hon'ble Member (M), KERC
- 6) PS to Hon'ble Member (R), KERC
- 7) PA to Secretary, KERC.
- 8) Chairperson of all CGRF's in the State.