

# Before the Ombudsman, K.E.R.C. Bangalore

Present: Shaik Ahmed,  
Ombudsman

Case No.OMB/B/G-29/2007/3466  
dated 13.11.2007

## Applicant :

Dr.R.Santhosh Kumar,  
No.30, 16<sup>th</sup> Cross,  
Kanakanagar,  
R.T.Nagar Post,

**BANGALORE**

Represented by Counsel, Mr.Robert Di'Souza

## Respondents:

1. The Asst,Executive Engineer,  
C-5 Sub Division, BESCOM,  
K.B.Sandra,  
**BANGALORE.**

2. The General Manager(Tech)  
BESCOM Corporate Office,  
K.R.Circle,  
**BANGALORE-560001**

3.Consumer Grievance Redressal Forum,  
BESCOM, Central Stores Premises,  
Near E.S.I. Hospital,  
Rajajinagar,  
**BANGALORE-560010.**

The applicant above named has filed this application to set aside the order dated 26.06.2007 passed by the 3<sup>rd</sup> Respondent in file No. CGRF/20/2007/1962. His case is that the 1<sup>st</sup> Respondent has levied a sum of Rs.20,000/- and Rs.3,300/- towards infrastructure development charges and 3 MMD respectively for providing power supply to his premises in Kanakanagar (R.T.Nagar Post) Bangalore. He contends that his premises is located in a

layout formed by a Private Developer during 1986-87 and subsequently included within the limits of Bangalore City Corporation. The Bangalore City Corporation has collected betterment/development charges from the applicant and all other owners for providing basic civic amenities. According to him, a further levy of infrastructure fee of Rs.20,000 by the 1<sup>st</sup> Respondent is illegal as the area has all the infrastructure like supply lines, distribution mains, transformers etc. required for the supply of power. He has further stated that he has challenged the levy of infrastructure development charges before the Hon. High Court in Writ Petition No.33040/2004. The Hon'ble High Court has disposed the above Writ Petition on 25.10.2006 with the directions to BESCO to pass appropriate order in accordance with law after examining the objections of the Applicant and the report of the jurisdictional AEE, BESCO in the matter.

In pursuance of the above directions of the Hon.High Court, the General Manager(Tech)BESCO has examined the representation submitted by the Petitioner and passed a detailed order holding that the levy of Rs.20,000 towards the infrastructure development charges is in order as it is in accordance with the Electricity Supply & Distribution Code 2000-01.

Aggrieved by the order of the BESCO, the Applicant had filed a petition before the 3<sup>rd</sup> Respondent. The 3<sup>rd</sup> Respondent too, after hearing both the parties, has held that the levy of Rs.20,000/-towards service line/infrastructure development charges is in accordance with the law.

Aggrieved by the order passed by the 3<sup>rd</sup> Respondent, the Applicant has filed this application before me. The Applicant was given an opportunity to

appear in person before me to adduce further evidence, if any, in support of his claim. He has failed to appear. The 1<sup>st</sup> Respondent has filed a written statement vide letter No.AEE/C5/SD/AE(T)/S-48-51 dated 07.09.2007 justifying the levy of RS.20,000/- towards infrastructure development charges.

I have gone through the records and have examined the materials submitted by both the parties.

The levy of betterment/development charges by the Bangalore City Corporation is for providing civic amenities like roads, drainage, etc. and not for providing power supply which is done by a different authority, namely, the BESCOM. The Developer/Promoter of a layout is required to provide necessary infrastructure in the layout to facilitate power supply to the houses constructed therein. Admittedly, the Developer of the Kanakanagar Layout has not provided any infrastructure to facilitate supply of power to the buildings constructed in this Layout. Further, it is seen from the order of the 2<sup>nd</sup> Respondent that BESCOM has spent about Rs.1.00 crore towards development of electrical infrastructure in the area. Clause 10.04 of KERC (Electricity Supply and Distribution) Code 2000-01 provides for levying of service line charges for power supply in respect of layouts where the Developer/Promoter has not provided basic infrastructure required for the power supply. The levy of Rs.20,000/- towards service line/infrastructure development charges, therefore, is in order. Hence, the order dated 26.06.2007 passed by the 3<sup>rd</sup> Respondent in file No. CGRF/20/2007/1962. needs no interference.

The Application is, therefore, rejected.

(Shaik Ahmed)  
Ombudsman

Dr.R.Santhosh Kumar, House No.30, 16<sup>th</sup> Cross, Kanakanagar, R.T.Nagar Post, Bangalore-560032

2. The General Manager, (Tech), BESCO, Corporate Office, K.R.Circle, Bangalore-560001.
3. Consumer Grievance Redressal Forum, BESCO, Central Stores Premises, Near E.S.I. Hospital, Rajajinagar, Bangalore-10.
3. The Asst,Executive Engineer, C-5 Sub Division, BESCO, K.B.Sandra, Bangalore.
4. The Managing Director, BESCO Corporate Office, K.R.Circle, Bangalore-560001
5. PS to Chairman 6.PS to Member-I 7.PS to Member-(Tech) 8. Secretary
9. Consultant (O.C.A.) 10. Chairpersons of all CGRF /

