

**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-334/2019**

**Dated 28/06/2019**

In the matter of

Sri M.G Ramesh,  
S/o Late M.K Gopal Krishnamurthy,  
'Keshava Krupa'  
Doddakondagola Village,  
Tejur Grama Panchayath,  
Hassan Taluk. -

Appellant

Vs

1) Consumer Grievance Redressal Forum,  
Hassan District, CESC,  
Hassan.

2) The Assistant Executive Engineer (Electrical),  
Dudda Sub-Division, CESC,  
Hassan. -

Respondents

1. This Application/Complaint is filed by Sri M.G Ramesh S/o Late M.K Gopal Krishnamurthy, (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 dated 15-03-2019 of CGRF, CESC, Hassan District, before this Authority, by inter-alia seeking the following reliefs:

- a) To set aside the CGRF order dated 15-03-2019;
  - b) To provide permanent power supply to the newly constructed house.
2. Brief facts, which are relevant to the case as claimed by the Appellant, are as follows:
- a) The Appellant/Complainant has registered an application with the Dudda Sub-Division CESC, Hassan for sanction of power connection of 4 KW on 07-01-2019 for his newly constructed house.
  - b) It is further stated that the Assistant Executive Engineer (Ele.) Dudda Sub-Division, CESC, Hassan on 24-01-2019 has given an endorsement that it is not possible for providing power connection. Challenging the endorsement, the Appellant has filed a complaint before the CGRF, Hassan District. The CGRF Hassan District on 15-03-2019 has ordered that the endorsement issued by Assistant Executive Engineer (Ele.) Dudda Sub-Division, CESC, Hassan that as per KERC Rule 10, it is the responsibility of the developer, to provide power supply which is one of the basic infrastructure to the layout developed by him, but as the power supply network has not been developed by the developer, they will not be in a position to provide power connection, can be accepted and the complaint of the consumer cannot be considered by the CGRF.
  - c) Aggrieved by the order passed by the CGRF, CESC, Hassan District, the Appellant has filed this Application before this Authority to redress his grievances on the following grounds that:
    - i) The said layout was approved by the Assistant Director, Town & Rural Rural Planning Department, Hassan on 11-04-2012;

- ii) As per KERC Regulations, the Developer has not provided the basic infrastructure as required for providing electricity power connection; and
  - iii) To provide power connection from the existing electric transformer supplying power to the adjacent houses, and therefore prayed before the authority to provide electricity to his house and the Appellant is ready to pay the fee as required under Sub-clause 3.2(ii) of KERC Regulation.
3. Both the parties were informed vide this office letter No. OMB/B/G-334/2019/D-1264 dated 15-04-2019, regarding availability of provisions in 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 03/05/2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 03/05/2019.
4. Heard both the parties. In the parawise replies filed by the Respondent, AEE on 26-04-2019, it is stated that the developer has not created the electrical infrastructure as per condition No.5 of the Deputy Commissioner, Hassan District, Hassan dated 17-03-2012 issued pertaining to the conversion of the land bearing survey No. 91/6 measuring of 0-13.5 guntas and also as per condition No. 09 of the layout approval of the Assistant Director, Town & Rural Planning, Hassan dated 11-04-2012 for the Survey No 91/6. On inspection of Appellant's building it was observed that there are many such layouts around the Applicants building for which electricity infrastructure is not created. The existing 25 KVA transformer on Kabbali NJY feeder has a total load of 20 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 are to be considered as per 3.2.3 of KERC. Hence, prayed before this Authority that power supply to the Appellant's building will be arranged after creation of necessary electrical infrastructure to the layout as per KERC Rule No.3.2 and 10.00, by the developer of the layout.

5. 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 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 & 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”.

6. The Respondent/AEE in his submission dated 26-04-2019 has said that power supply to the Appellant's building will be arranged after creation of necessary electrical infrastructure to the layout as per KERC Rules.
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 Regulations is pending.
9. In view of the above discussions the following order:

**No. OMB/C/G-334/2019/D-1304**

**Dated 28/06/2019**

**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 M.G Ramesh,  
S/o Late M.K Gopal Krishnamurthy,  
'Keshava Krupa'  
Doddakondagola Village,  
Tejur Grama Panchayath,  
Hassan Taluk.

- 2) The Chairperson, CGRF/  
Superintending Engineer, (Ele.)  
O & M Circle, CESC,  
Santhepete, B.M Road,  
Hassan-573201.
- 3) The Assistant Executive Engineer (Electrical),  
O& M Dudda Sub-Division,  
CESC, Santhepete,  
Hassan-573201.
- 4) PS to Hon'ble Chairman, KERC
- 5) PS to Hon'ble Member (M), KERC
- 6) PS to Hon'ble Member (R), KERC
- 7) PS to Secretary, KERC
- 8) Chairperson of all CGRFs in the State.

