

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-389/2020

Dated 13/02/2020

In the matter of

Smt. D.L. Jalajakshi,
W/o. S. Narayana Swamy,

Represented by:

Sri. Dileep. C.N,
S/o. S. Narayana Swamy,
#16, Nandi Layout,
Near Allana Coffee Curing,
Kanchanahalli Gate,
H.N. Pura Road,
Hassan - 573201.

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Appellant

Vs

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

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Respondents

- 1) This Appeal/Complaint is filed before this Authority, by Smt. D.L. Jalajakshi, (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/2019-20/6776-91, dated 10-01-2020 of CGRF, Hassan District, by inter-alia seeking the following reliefs:

Accord approval to sanction power supply to new building which is situated at Hassan Rural.

- 2) Brief facts, which are relevant to the case on hand, as claimed by the Appellant/Complainant are as follows:
- 3) The Appellant/Complainant has constructed a new house in the limits of Kanchanahalli Village in the layout alienated and approved by the competent authorities. At the time of construction of the house, the Appellant/Complainant had obtained temporary power sanction from the Licensee. There are 29 sites in the layout where the Appellant/Complainant is constructing house. Her site number is 14. After construction of the house the Appellant/Complainant applied for permanent power sanction to her house. The Respondent-1/AEE has issued an endorsement dated 10-10-2019 stating that the layout developer has to provide electricity and other infrastructure facilities as per Clause 3.2 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations 2004 and Clause 8 and 10 of KERC Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka (COS) and he may contact the layout developer in this regard. After receiving endorsement from Respondent-1/AEE the Appellant/Complainant filed a complaint before the CGRF Hassan District. The CGRF Hassan District in their order dated 10-01-2020 has ordered that the stand taken by the Respondent-1/AEE is correct and as per Rules and Regulations. The Appellant/Complainant challenging the

order of the CGRF Hassan District has filed the present appeal/complaint before this authority.

- 4) Both the parties were informed vide this office letter No. OMB/C/G-389/2020/D-1423 dated 23-01-2020, 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 05-02-2020. However, they have not availed the benefit of the said provision. The case was listed for hearing on 05-02-2020.
- 5) The present appeal/complaint is filed requesting for permanent power sanction to the newly constructed house of the Appellant/Complainant alienated and approved by the competent authorities, but abandoned by the developer of the layout. The provisions regarding giving power sanction to houses constructed in approved layouts, but abandoned by the developer is contained in Clause 3.2.3 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations 2004, wherein, certain amount was fixed to be recovered from the consumer towards electric line/plant. The Chamundeshwari Electricity Supply Corporation Limited (CESC) Mysore and Bangalore Electricity Supply Company Limited (BESCOM) had filed petitions before KERC requesting for amendment of Clause 3.2.3 stating that **“the costs to be recovered as prescribed in Clause 3.2.3 of the KERC (RoE) Regulations, 2004, towards development of infrastructure in the 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 layout are derived based on the schedule of rates (SR) prevailed in the year 2004 and are not revised till date. There has been a**

substantial increase in the cost of infrastructure materials since then. The underpriced cost as per these Regulations are causing loss of money in recovering expenditure towards construction of electrical line/plants.” The Hon’ble KERC in the notification dated 01-01-2020 which is gazzeted on 23-01-2020 has amended the Clause 3.2.3 revising the infrastructure development charges to be collected from the consumers. At the time of hearing the Appellant/Complainant stated that he is ready to pay the infrastructure development charges prescribed by the KERC in the Notification dated 01-01-2020 for taking power supply to his newly constructed house. The Respondent-1/AEE who was also present at the time of hearing agreed to give power supply to the newly constructed house of the Appellant/Complainant after he pays the prescribed and applicable infrastructure development charges, as per the KERC Notification dated 01-01-2020.

6) In view of the foregoing paras the following order:

No. OMB/C/G-389/2020/D-1433

Dated 13-02-2020

O R D E R

The Respondent-1/AEE to provide power supply to the newly constructed house of the Appellant/Complainant after collecting the infrastructure development charges prescribed by the KERC as per KERC (Recovery of Expenditure for Supply of Electricity) (10th Amendment) Regulations 2020 dated 01-01-2020 issued in the gazette dated 23-01-2020.

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

- 1) Smt. D.L. Jalajakshi,
W/o. S. Narayana Swamy,
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Hassan District,
Superintending Engineer (Ele),
O & M Circle, CESC,
Santhepete, B.M. Road,
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.