

# 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-314/2019  
Dated 31-05-2019

In the matter of

Owners of Buildings Constructed at  
JHC Society Layout at  
Hanchya (Sathagalli),  
Mysuru.

Represented by:  
Shri C.R.Asathanarayana,  
Hindustan Electricals, Sri Vasavi Nilaya,  
Shivarampete,  
Mysuru-570001. -

Appellants

Vs

1) Consumer Grievance Redressal Forum,  
CESC, Mysuru District

2) The Assistant Executive Engineer (Electrical),  
Jyothinagara O & M Sub-Division, CESC,  
Jyotinagar, Mysuru. -

Respondents

1. This Application/Complaint is jointly filed by Owners of Buildings Constructed at JHC Society Layout, Hanchya (Sathagalli), Mysuru (Appellants/Complainants), under the provisions of clause 21.2 of the KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, in Form 'B' challenging the order bearing No. ಅಇಂ(ಏ)/ಕಾ.ನಿಇಂ(ಕ)/ಸಕಾನಿಇಂ(ಕ)/ಎಫ್-123/ಸಿವೈಎಸ್ 202

dated 06-12-2018 of CGRF, CESC, Mysuru District, before this Authority, by inter-alia seeking compliance of KERC Regulations, Conditions of Supply and providing permanent power supply to the newly constructed buildings at JHC Society Layout.

2. Brief facts, which are relevant to the case as claimed by the Appellant, are as follows:
  - a) The Appellants/Complainants have registered for permanent power supply to their newly constructed buildings in the Layout being developed by Shri Jayachamrajendra Housing Co-operative Society in Sy. No. 267/1, 269/1 (Cauvery layout) at Hanchya Village, Mysuru with Jyothinagara O & M Sub-Division, CESC, Jyothingara, Mysuru on 11-12-2014.
  - b) It is further stated that the Assistant Executive Engineer (Ele.) Jyothingar O & M Sub-Division, CESC, Mysuru has refused to take needful action as per the prevailing KERC Regulations (Conditions of Supply) Regulation 3.2.1. Being aggrieved by the inaction of the Assistant Executive Engineer (Ele.) the Appellants have approached the CGRF, Mysuru District for redressal of their grievances. A hearing was conducted on 30-08-2018. As no order was passed within the stipulated time an Appeal was filed in the office of Ombudsman. In the meantime, CGRF, Mysuru District has conducted another hearing on 04-12-2018 and passed final order on 06-12-2018. It is further stated that the CGRF-Mysuru District without taking into consideration, the prevailing Regulations, passed an unjust order. The CGRF in their order dated 06-12-2018 have ordered that as CESC has submitted an application for

amendment of KERC Regulations 3.2.3(ii), and order of KERC on the same is awaited, no decision can be taken on the application of the Appellants. Aggrieved by the said order passed by the CGRF-Mysuru District, the Appellants have filed an Appeal before this Authority on the following grounds:

- i) The CGRF, Mysuru District has utterly failed to take action and to issue suitable direction to the concerned AEE (Ele.) to take action in providing permanent power supply to the newly constructed buildings as stipulated under KERC Regulation 3.2.3 (ii) of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka.
- ii) The CGRF, Mysuru District has failed to prove the legitimate reason in non-providing power supply to the layout as per the prevailing KERC Regulations 3.2.3 (ii) and unanimously taken a decision that action will be taken only after getting clarification in this regard and thereby violated the existing rules, when no arguments have taken place and also no interim or final orders have been issued, the CGRF Mysuru District has issued orders on the basis of speculations and the same is not acceptable.
- iii) Moreover, the CESC has also not requested the KERC Authority to issue stay order for implementing the exiting KERC Regulations and KERC have not accorded any restrictions to implement the existing KERC Regulations 3.2.3.(ii). It is further alleged that CGRF being an independent quasi-judicial body under KERC should have to realise that 'it is not for the Court to analyse loss or profit to CESC, but only to analyse, whether existing rules are executed or not' and thereby CGRF, Mysuru District have failed to realise the same.

- iv) Hence it is prayed before the Authority to issue direction to the concerned to provide permanent power supply to the layout by adopting KERC Rule 3.2.3 (ii) without considering either revenue loss or the said Application by CESC to KERC for Amendments, in the interest of equity and justice.
3. Both the parties were informed vide this office letter No. OMB/C/G-314/2019/D-1176 dated 10-01-2019, 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 21-01-2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 21-01-2019, 28-02-2019, 22-04-2019 & 08-05-2019.
4. Heard both the parties. In the parawise replies dated 19-01-2019 filed by the Respondent, it is stated that on 11-12-2014 the Director, Sri Jayachamrajendra Housing Co-operative Society Ltd., Mysuru has registered for installation and power supply for the layout. In pursuant to this an estimate of Rs 1,20,31,078/- was prepared on 03-01-2015 and got approved the work order on 07/01/2015, and the work has been carried out in the layout as per KERC – Conditions of Supply Regulations 3.2.1. However, a part of the work was not carried out, due to infrastructure pending work at the layout and the total work order of Rs 82 lakhs was pending, an endorsement vide letter dated 26-07-2018 was also given to the said developer by stating that permanent power supply will be provided as per the estimate under KERC–CoS Regulations 3.2.1. Subsequently, the Appellants Representative has filed Appeal before the CGRF by

inter-alia seeking relief to provide permanent power supply as per KERC Regulations 3.2.3 (ii). The CGRF, Mysuru District, has also directed the Appellants as well as their Representative to complete the electrical infrastructure which is pending in the layout in order to provide permanent power supply to the remaining work, as per KERC Regulations 3.2.1. It is also submitted that the said layout has not been declared as abandoned layout and some portion of electricity work has been carried out and further as per KERC-Conditions of Supply Regulations 3.2.3 (ii) further work will not be taken up in such abandoned layout. Further, the CESC-Mysuru has sent a proposal to KERC seeking suitable amendment to the KERC Regulations 3.2.3 and the orders are still awaited. The CGRF-Mysuru District by an order dated 06-12-2018 has held that no decision can be taken to provide permanent electricity supply, till a decision is taken by KERC on the proposal of CESC for amendment to clause 3.2.3. Hence, prayed before this Authority that temporary power supply to the Appellants building has been continued and permanent power supply will be provided soon after getting amendment to the KERC Regulation 3.2.3.

5. In the meanwhile, the Appellant has sent a letter to this authority by post, which is received in this office on 22-04-2019 stating that there are rumours in the corridors of CESC offices which is as follows:

“Ombudsman has yielded to CESC. Therefore, he shall not release orders regarding Ashwathanarayan’s application, till KERC finalizes all its formalities regarding the application to KERC from CESC”.

The applicant by this letter has tried to influence this authority to get the order in their favour. By passing order in this case either way, the aggrieved party can make allegation against this authority, that it has yielded to the pressure tried to be brought by this letter.

6. Hence this authority has declined to pass any order in this appeal.

(S.S Pattanashetti)  
Electricity Ombudsman.

- 1) Owners of Buildings Constructed at  
JHC Society Layout at  
Hanchya (Sathagalli),  
Mysuru.
- 2) Shri C.R.Aswathanarayana,  
Hindustan Electricals, Sri Vasavi Nilaya,  
Shivarampete,  
Mysuru-570001
- 3) The Assistant Executive Engineer (Electrical),  
Jyothinagara O & M Sub-Division, CESC,  
Jyothinagara, Mysuru.
- 4) The Chairman, CGRF, Mysuru District,  
Office of the Superintendent Engineer (Elec.)  
O & M Circle, CESC,  
Mysuru.
- 5) PS to Hon’ble Chairman, KERC
- 6) PS to Hon’ble Member (M), KERC
- 7) PS to Hon’ble Member (R), KERC
- 8) PS to Secretary, KERC.
- 9) Chairperson of all CGRFs in the State.



