

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

Present: Shaik Ahmed,  
Ombudsman

Case No.OMB/B/G-29/2007/3446  
dated 12.11.2007

## Applicant :

Shri Joseph Vincent D'Souza,  
House No.46, 6<sup>th</sup> Cross,  
Kanakanagar,  
R.T.Nagar Post,  
**BANGALORE**

## Respondents:

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

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.

The applicant above named has filed this application against the order dated 29.5.2007 passed by the 3<sup>rd</sup> Respondent in file No. CGRF/04/2007/1968. His case is that the 1<sup>st</sup> Respondent has levied a sum of Rs.12,000/- and Rs.2,220/- towards infrastructure development charges and 3 MMD respectively for providing power supply to his premises in Kanakanagar (R.T.Nagar Post) Bangalore. His contention is that the area in which his premises is located has

..2..

been included within the limits of Bangalore City Corporation and has all the infrastructure like supply lines, distribution mains, transformer etc. required for the supply of power and hence the levy of Rs.12,000/- towards infrastructure development charges is illegal. He did challenge the demand for the levy of infrastructure development charges before the Hon.High Court of Karnataka in W.P. No.29057/2003. The Hon. High Court has disposed the above Writ Petition on 25.10.2006 with the following directions:

- “(a) The Impugned demand notice of Respondent should be treated as showcause Notice.
- (b) The Petitioner is permitted to file objections to the impugned demand notice within two weeks from the date of this order before the Managing Director, BESCOM.
- (c) The Managing Director, BESCOM is directed to pass appropriate order after affording opportunity to the Petitioner and after obtaining report from jurisdictional Assistant Executive Engineer (Ele) BESCOM and proceed with in strict compliance of the KPTCL (ES&D) Code 2000-2001 and dispose of the same within 3 months from the date of consolidated reply cum objection filed by the Petitioner.

The Hon.High Court also directed not to disconnect the power supply till a final decision is taken by the BESCOM.

In pursuance of the above directions of the Hon.High Court, the General Manager(Tech)BESCOM has examined the representation submitted by the Petitioner and passed a detailed order holding that the levy of Rs.12,000 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.12,000/-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-40-43 dated 07.09.2007 justifying the levy of RS.12,000/- towards infrastructure development charges.

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

Admittedly, the premises of the Applicant at the time of providing power connection, was situated in a private layout where the developer/promoter had not executed any infrastructure work to facilitate supply of power. 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.12,000/- towards service line/infrastructure development charges, therefore, is in order. Hence, the order dated 29.5.2007 passed by the 3<sup>rd</sup> Respondent in file No. CGRF/04/2007/1968 needs no interference.

The Application is, therefore, rejected.

(Shaik Ahmed)  
Ombudsman

1.Shri Joseph Vincent D'Souza, House No.46, 6<sup>th</sup> Cross, Kanakanagar, R.T.Nagar Post, Bangalore.

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 /