

**Before the Ombudsman, KERC, Bangalore**  
**Present: Shaik Ahmed,**  
**Ombudsman**  
**Case No.OMB/B/G-12/2006/**  
**Dated : 22.09.2006**

**Appellant:**

Shri M.R.Ramesh,  
No.43/5A2, P.J.Extension,  
2<sup>nd</sup> Main, 7<sup>th</sup> Cross,  
**Davangere-577002**

**Respondents:**

1,The Asst.Executive Engineer (Elec)  
City Sub-Division No.1,  
BESCOM,  
Davangere.

2. The Consumer Grievance Redressal Forum,  
BESCOM, Central Stores Premises,  
Near ESI Hospital, Rajajinagar,  
**BANGALORE-560010**

The Appellant above named has filed this appeal against the order passed by the 2<sup>nd</sup> Respondent on 19.07.05 in case No.CGRF/20/2006/211. The case of the Appellant is that he had applied for a power connection to his house on 12.4.2004 with necessary documents like sanctioned building plan, title deed of the property, etc. The 1<sup>st</sup> Respondent did not provide power connection instead advised the appellant to register the application under Clause 9 of the KERC (ES & D) Code 2001 on the ground that the premises for which power connection is sought has more than 2 buildings with common entrance/walls.

Aggrieved by the action of the 1<sup>st</sup> Respondent, the Appellant has

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approached the 2<sup>nd</sup> Respondent seeking a direction to the 1<sup>st</sup> Respondent to provide power connection under clause 4 of the said Code. The 2<sup>nd</sup> Respondent, after hearing both the parties, has concurred with the 1<sup>st</sup> Respondent and rejected the petition with an advice to the Appellant to register his application for power sanction under Clause 9 of the KERC (ES & D) Code 2001.

Aggrieved by the orders of the 2<sup>nd</sup> Respondent, the Appellant has preferred this appeal before the Ombudsman. The Appeal is preferred after a lapse of 9 months from the date of the impugned order. The Appellant has stated that due to the sad demise of his mother and sister in a span of 5 days, he could not prefer the appeal within the time limit (30 days) prescribed under Regulation No. 21 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004 and, therefore, has sought condonation of delay. The reason offered by the Appellant for not preferring this appeal in time is bonafide and hence the delay is condoned.

The Appellant contends that the property in question being his ancestral property has been partitioned among his brothers and each one has put up his own building after the partition. He further contends that the existence of a common entrance for 2 or more buildings is a common sight in a city like Davangere and it is not proper for the Respondents to come to the conclusion that the premises in question attracts Clause 9 of the KERC (ES & D) Code 2001 as he has the sanctioned building plan and the Municipal khata of the property

standing in his name. Therefore, he has prayed to set aside the impugned order with a direction to the 1<sup>st</sup> Respondent to provide power connections under Clause 4 of the KERC (ES & D) Code 2001. He has also sought compensation in accordance with KERC (Consumer Complaint Handling Procedures) Regulations 2004 for default on the part of the 1<sup>st</sup> Respondent.

I have gone through the records placed before me by both the Appellant and the 1<sup>st</sup> Respondent. The 1<sup>st</sup> Respondent has produced photographs of the premises in question. As seen from the photographs, the premises has a common compound and common entrance for more than 2 buildings. This fact is not denied by the Appellant.

As per the Note below Clause 9(B) of KERC (ES & D) Code 2001 which was in vogue when the impugned order was passed, two or more buildings in the same premises are required to be clubbed together to calculate the requisitioned load before power connection is sanctioned. New Regulations, namely, KERC (Recovery of Expenditure for Supply of Electricity) Regulations 2002 are in place now. Regulation No.3.1.5(4) of these Regulations reads as under:

“In case the sanctioned plan indicates two or more buildings in the same premises or if the sanctioned plans are separate & in different names but the buildings are attached &/or share a common passage or staircase they shall be clubbed together to calculate built up area.”

The aforesaid new Regulations too, have similar dispensation as existed in the KERC (ES & D) Code 2001 in respect of premises with 2 or more buildings with common entrance. Admittedly, the premises in question has more than 2 buildings with a common entrance and commonwalls. The 2<sup>nd</sup> Respondent

is absolutely right in rejecting the petition of the Appellant to sanction power under Clause 4 of the KERC (ES & D) Code 2001. It is necessary for the Appellant to register his application under the relevant law.

Hence the Appeal is rejected.

(Shaik Ahmed)  
Ombudsman

TO:

1. Shri M.R.Ramesh, No.43/5A2, P.J.Extension, 2<sup>nd</sup> Main, 7<sup>th</sup> Cross, Davangere-577002
2. The Consumer Grievance Redressal Forum, BESCO, Central Stores Premises, Near ESI Hospital, Rajajinagar, Bangalore-560010.
3. The Asst.Executive Engineer (Ele), City Sub-Division No.1,BESCO, Davangere.
4. The Managing Director, BESCO Corporate Office, K.R.Circle, Bangalore-560001
5. The General Manager, (Tech), BESCO, Corporate Office, K.R.Circle, Bangalore-560001.
6. The Executive Engineer (Ele), O & M, BESCO, Davangere.
- 7.PS to Chairman
- 8.PS to Member-I
- 9.PS to Member-Tech
- 10.Consultant (C.A.)
11. Chairpersons of all Grievances Fora for information

