



Before the Electricity Ombudsman

9/2, 6th Floor, Mahalakshmi Chambers, M.G.Road,
Bangalore

Present: B.R.Jayaramaraje Urs, IAS (Retd.)

Electricity Ombudsman

Case No.OMB/B/G-190/2014/428

Dated 21.10.2014

Shri Satish Kumr,
345, 6th Main,
Santhripathi Nagar,
J.P.Nagar 7th Phase,

BANGALORE

**(Represented by Sri M.A.Delvi,
Authorised Representative)**

.. **Appellant**

Vs

1. The Asst. Executive Engineer(EI)

O & M S-12 Sub Division,

BESCOM,

Gowrav Nagar,

BANGALORE-560078

**(Represented by Sri Vinayaka.K,
Law Officer, BESCOM, Bangalore)**

2. The Chairperson

Consumer Grievance Redressal Forum

Office of the Superintending Engineer,

BESCOM, West Circle,

05, 3rd Stage,

Bhimajothi HBCS Layout,

Basaveshwarnagar,

BANGALORE-560079

.. **Respondents**

1. This is an appeal under Clause 21.02 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004 against the order passed by the Consumer Grievance Redressal Forum, BESCOM, Bangalore Urban District (hereinafter referred to as the 2nd Respondent) vide No CGRF/208/2012-13/ dated 21.03.2013 relating to refusal of sanction of power on permanent basis on the ground of Appellant furnishing fake sanctioned plan. Aggrieved by the order passed by the 2nd Respondent, the Appellant has submitted his case as under:

2. The Appellant is a consumer of the Assistant Executive Engineer(EI), O & M S-12 Sub Division, BESCOM, Gowrav Nagar, Bangalore-560078 (hereinafter referred to as the 1st Respondent). Earlier, the Appellant had applied for 24kW +5HP power to his building measuring 689.5 Sq Meters on permanent basis along with the sanctioned plan. Even he had developed infrastructure and had paid supervisory charges and Monthly Minimum Deposit under Self Execution Scheme. As per the existing norms (2012), his building was categorised as MS Building and, under the Regulations, the Appellant was to furnish sanctioned plan issued by BBMP for sanction of power on permanent basis. Accordingly, the Appellant furnished BBMP sanctioned plan obtained through a middleman which later turned out to be fake one. Further, there was also objection from the Appellant's neighbour for sanction of power for similar reason. The 1st Respondent, on the basis of this objection, declined to sanction power on permanent basis. However, the Appellant was sanctioned temporary power for a sanctioned load of 8 kW for a period of 2 yrs and assigned RR No. tp 3250 on 20.07.202. Aggrieved by the decision of the 1st Respondent refusing to sanction power on permanent basis, the Appellant approached the 2nd Respondent for justice and the 2nd Respondent, after hearing the parties, confirmed the order by the 1st Respondent. Aggrieved by the order passed by the 2nd Respondent, the Appellant has filed this appeal.

3. The 1st Respondent's comments were called vide letter No OMB/B/G-190/2014/395 dated 24.07.2014.

4. The 1st Respondent filed his statement of objections to the points raised by the Appellant in his appeal memo dated 10.09.2014.

5. The 1st Respondent, in his replies, has admitted having refused sanction of power on permanent basis on the grounds of Appellant furnishing fake sanctioned plan and further clarified that as per the then existing norms in respect of MS buildings where the built up area was more than 500 sq Mts and requisitioned load was more than 25 kW, consumer had to enclose sanctioned plan issued by the local authority along with his application for sanction of power. In the present case, the Appellant's neighbour had filed objection for sanction of power on permanent basis on the ground that the sanctioned plan furnished by the Appellant was fake one. Later, correspondence with BBMP confirmed the sanctioned plan furnished by the Appellant was not genuine and, hence, rejected the application of the Appellant for sanction of power on permanent basis. He justified rejection of application on the basis of fake documents furnished by the Appellant.

6. The case was taken up for hearing on 13.10.2014. On behalf of the Appellant, the Authorised Representative, Shri M.A.Delvi appeared and put forth his arguments and on behalf of the 1st Respondent, Shri Vinayaka.K, Law Officer, BESCO appeared and put forth his arguments.

7. During the hearing, both the Appellant and the 1st Respondent reiterated the submissions made in the appeal memo and statement of objections respectively.

8. Both parties were informed vide letter No.OMB/B/G-190/2014/420 dated 01.10.2014 regarding availability of Sub-Regulation 1 of Regulation 20 of KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 which provides for settlement by agreement through conciliation and mediation. However, both parties have not availed this opportunity. Hence, I am proceeding to pass an order in this matter.

9. Having regard to the contending positions of the parties, the issue that emerges for our consideration is:

a) Whether the 1st Respondent is right in rejecting the request of the Appellant for sanction of power on permanent basis?

10. In the present case, the Appellant himself has admitted that he has furnished fake sanctioned plan and that is due to a mischief played by a middleman. This he came to know only when BESCO rejected his application for sanction of power on permanent basis.

11. BESCO appears to have rejected the request of the Appellant for sanction of power on permanent basis on the basis of the objection filed by one Vishwanath, neighbour of the Appellant.

12. As per the then existing norms, the consumer, whose building built up area was more than 500 Sq Mts and requisitioned load was more than 25 kW, was required to furnish building sanctioned plan issued by local authorities. In the present case, the building sanctioned plan furnished by the Appellant admittedly a fake one and hence, the 1st Respondent has rightly rejected the request of the Appellant for sanction of power on permanent basis on the basis of not furnishing true sanctioned plan issued by a Competent Authority. Therefore, the 1st Respondent's decision cannot be faulted and, consequently, this Authority does not see any strong grounds to interfere in the orders passed by the 1st and 2nd Respondents.

13. During the hearing, the Law Officer, BESCO, brought to the notice of the Electricity Ombudsman regarding the amendments issued by the Commission to the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka vide No.KERC/COS/D/13/14-15 dated 25.08.2014 and further explained that under the amendments where the consumer has applied for power on permanent basis

and where the building built up area does not exceed 800 sq. meters and requisitioned load does not exceed 35 kW, in such cases such consumer need not furnish building sanction plan issued by the local authorities and such consumer is, hence, exempted from producing sanctioned plan. In view of this amendment, the Appellant can now make fresh application for sanction of power on permanent basis under the amended regulation and the 1st Respondent can consider such request for sanction of power on permanent basis without insisting on production of sanction plan issued by BBMP. Hence, the following orders

ORDER

14. For the foregoing reasons, the appeal **is dismissed**. However, if the Appellant makes application for sanction of power on permanent basis, the 1st Respondent will consider such application under the amended regulations expeditiously.



(B.R. Jayaramaraje Urs)
Electricity Ombudsman

1. Shri Satish Kumar, 345, 6th Main, Santhriphthi Nagar, J.P.Nagar 7th Phase, Bangalore (represented by his Authorised Representative, Sri. M.A.Delvi, Bangalore).
2. Chairperson, Consumer Grievance Redressal Forum, Bangalore Urban District, Basaveshwarnagar, Bangalore.
3. The Assistant Executive Engineer (Ele), O & M S-12 Sub Division, BESCO, Gowrav Nagar, Bangalore-560078
4. Shri Vinayaka, Law Officer, BESCO Headquarters, K.R.Circle, Bangalore-560001.
5. Managing Directors of ESCOMs.
6. PS to Hon. Chairman, KERC
7. PS to Hon.Member (A), KERC
8. PS to Hon.Member (M), KERC
9. PS to Secretary, KERC