

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

Present: Shaik Ahmed,  
Ombudsman

Case No.OMB/B/G-33/2007/3473  
dated 15.11.2007

## Applicant :

Smt.R.Karunavathi,  
No.12, 16<sup>th</sup> Cross,  
Kanakanagar,  
R.T.Nagar Post,

**BANGALORE**

(Represented by Counsel, Mr.Robert D'Souza)

## 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-560010.**

The applicant above named has filed this application to set aside the order dated 12.06.2007 passed by the 3<sup>rd</sup> Respondent in file No. CGRF/09/2007/1956 and to order refund of infrastructure fee she has paid to 1<sup>st</sup> Respondent. Her case is that the 1<sup>st</sup> Respondent has levied a sum of Rs.44,000/- towards infrastructure development charges for providing power connection to her house in Kanakanagar (R.T.Nagar Post) Bangalore. She has stated

..2...

that the Layout in which her house is located was a Private Layout formed during 1986-87 by a Private Developer. Subsequently, the Layout was included within the limits of Bangalore City Corporation which has collected betterment/development charges of Rs.20,050/- from her for providing basic civic amenities. According to her, a further levy of infrastructure fee of Rs.44,000 by the 1<sup>st</sup> Respondent is illegal as the area has all the infrastructure like supply lines, distribution mains, transformers etc. required for the supply of power. She has further stated that she has challenged the levy of infrastructure development charges before the Hon. High Court in Writ Petition No.36924/2003. The Hon'ble High Court has disposed the above Writ Petition on 25.10.2006 with the directions to BESCOM to pass appropriate order in accordance with law after examining the objections of the Writ Petitioner and the report of the jurisdictional AEE, BESCOM in the matter.

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.44,000 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 General Manager(Tech), BESCOM, the Applicant had filed a petition before the 3<sup>rd</sup> Respondent seeking a direction for the refund of infrastructure development fee which she had paid to the 1<sup>st</sup> Respondent. The 3<sup>rd</sup> Respondent, after hearing both the parties, has held that the levy of infrastructure development fee is in order as the Layout Developer has not provided any electrical infrastructure in the area. The 3<sup>rd</sup> Respondent has further held that given the quantum of load sanctioned to the Applicant, the infrastructure development fee works out to Rs.32,000/- and not

Rs.44,000/- as ordered by the 2<sup>nd</sup> Respondent. The 3<sup>rd</sup> Respondent has, therefore, ordered to refund the excess amount of Rs.12,000/- to the Applicant by way of adjustment in the future energy bills.

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 her claim. She has failed to appear. The 1<sup>st</sup> Respondent has filed a written statement vide letter No.AEE/C5/SD/AE(T)/S-48-51 dated 07.09.2007 justifying the levy of Rs.44,000/- towards infrastructure development charges.

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

The levy of betterment/development charges by the Bangalore City Corporation is for providing civic amenities like roads, drainage, etc. and not for providing power supply which is done by a different Authority, namely, the BESCO. The Developer/Promoter of a layout is required to provide necessary infrastructure in the layout to facilitate power supply to the houses constructed therein. Admittedly, the Developer of the Kanakanagar Layout has not provided any electrical infrastructure to facilitate supply of power by BESCO to the buildings constructed in this Layout. Further, it is seen from the order of the 2<sup>nd</sup> Respondent that BESCO has spent about Rs.1.00 crore towards development of electrical infrastructure in the area to provide power connections. Clause 10.04 of KERC (Electricity Supply and Distribution) Code 2000-01 provides for levying of cost of service lines on the consumer for providing power supply in respect of layouts where the Developer/Promoter has not provided basic electrical infrastructure required for supply of power. Hence, the levy of

infrastructure development fee ( i.e. cost of service lines ) of Rs.32,000/- and refund of the excess amount of Rs.12000/- ordered by the 3<sup>rd</sup> Respondent is in accordance with law. Therefore, the impugned order dated 12.6.2007 passed by the 3<sup>rd</sup> Respondent in file No. CGRF/09/2007/1956 needs no interference.

The Application is, therefore, rejected.

(Shaik Ahmed)  
Ombudsman

TO:

1. Smt.R.Karunavathi, No.12, 16<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.
4. The Asst,Executive Engineer, C-5 Sub Division, BESCO, K.B.Sandra, Bangalore.
5. The Managing Director, BESCO Corporate Office, K.R.Circle, Bangalore-560001
6. PS to Chairman 7.PS to Member-I 8.PS to Member-(Tech) 9. Secretary
10. Consultant (O.C.A.) 11. Chairpersons of all CGRF

