



**Before the Electricity Ombudsman**  
**9/2, 6<sup>th</sup> Floor, Mahalakshmi Chambers, M.G.Road,**  
**Bangalore**

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

**Case No.OMB/M/G-134/2012/187**

**DATED 12.04.2013**

Shri Ashok Kumar Rai,  
 Rai Estate & Builders Pvt.Ltd.,  
 Door No.2-17-1461/4,  
 Bijai, Kavoor Road,  
**MANGALORE-575005**  
 (Represented by Sri M.A.Delvi, Advocate -  
 Authorised Representative)

.. **Appellant**

**Vs**

1. Assistant Executive Engineer,  
 O & M Sub Division,  
 MESCOM,  
 Mannagudda, Lalbagh,  
**MANGALORE-575003**
2. Chairperson,  
 Consumer Grievances Redressal Forum (C.G.R.F)  
 MESCOM Corporate Office,  
 Paradigm Plaza, A.B.Shetty Circle,  
**MANGALORE-575001**

.. **Respondents**

1. This is an appeal under Clause 21.2 of KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2004 against the order passed by

the Consumer Grievance Redressal Forum, MESCOM, Mangalore (hereinafter referred to as the 2<sup>nd</sup> Respondent) vide No. ಮಂವಿಸಕಂ/ಗ್ರಾಕುಂ.ಕೊ.ನಿ.ವೇ/05/11-12 ದಿನಾಂಕ 08.05.2012 in respect of Appellant's grievance relating to the refusal of permission by the Assistant Executive Engineer, O & M Sub-Division, MESCOM, Mannagudda, Lalbagh, Mangalore (hereinafter referred to as the 1<sup>st</sup> Respondent) for conversion of tariff category from HT to LT. Aggrieved by the order passed by the 2<sup>nd</sup> Respondent, the Appellant has submitted his case as under:

2. The Appellant is a registered electricity consumer of MESCOM bearing R.R No HT-163. The Appellant and other two persons, namely, Shri K.Nagesh Rao and Shri Sujannandan are the independent owners of different portions of Annapoorneshwari Complex, Kodyal Guttu Cross Road, Kalakunjam, Mangalore. This Complex has 5 floors including cellar and ground floor. The Second & third floors consist of residential apartments and have a domestic electricity installation with a power load of 39.5 Kw+10 H.P. MESCOM has separated the domestic portion and this portion i.e. 2<sup>nd</sup> & 3<sup>rd</sup> floors have been provided with a separate meter and a transformer and, for all practical purposes, it is treated as a separate entity. The Appellant's commercial requirement for cellar, ground and 1<sup>st</sup> floor is estimated at 98 kW and the Appellant applied for 98 kW power supply under LT-3 category. MESCOM has not considered the request of the Appellant and issued an endorsement stating that the request of the Appellant could not be considered under Note C of Clause 3.1.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004. However, Note 1 Clause 9.09 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka stated that ***"In case of existing commercial buildings already under service, where the requisitioned load is less than 100 kW and the Consumer opts for individual meter, the same can be arranged if the Consumer gets the wiring done through LEC at his cost duly making provision to fix up the meter by the side of existing bulk meter....."***

The Appellant's case falls under Note (i) of Regulation 9.09 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka as the requisitioned load is less than 100 kW and, hence, he qualified to be considered under LT category. In spite of the said provisions, MESCOM has not considered the request of the Appellant and, hence, prayed this Authority to issue directions to the 1<sup>st</sup> Respondent to consider the request of the Appellant under LT-3 category.

3. The 1<sup>st</sup> Respondent's comments were called vide letter No OMB/M/G 134/2012/1030 dated 19.06.2013 and the 1<sup>st</sup> Respondent has furnished his comments vide letter No. ಸಕಾನಿಇಂ/ಮಣ್ಣುಗುಡ್ಡ/ಸಇಂ(ತಾಂ)12-13/1089-90 ದಿನಾಂಕ 28/06/2012.

4. In his comments, the 1<sup>st</sup> Respondent submitted that two persons, namely, Shri Umesh Pai & Shri S.A Kamat jointly applied for 100 KVA HT connections on 22.08.2007 and MESCOM sanctioned 100 KVA power on 18.9.2007 and serviced the installation on 03.04.2008. This 100 KVA power had been sanctioned for commercial purposes under HT 2(b) commercial tariff. On 11.08.2009, the same two persons applied for reduction of load from 100 KVA to 25 KVA and this request had been accepted and the load had been reduced to 25 KVA (commercial) under HT 2(b) tariff on 06.01.2010. Again on 16.01.2010, 10 Nos. of domestic lighting connections had been sought i.e 39.05 kW + 10 HP by the Applicants and this had been sanctioned on 07.04.2010 under L.T-2(b) Category (Domestic) and work had been completed on 30.12 2010 and serviced on 22.01.2011. Later, on 05.08.2011, the same two persons again applied for cancellation of 25 H.T connection to 5 Nos. of commercial connection under LT-3 tariff and also to provide fresh 5 Nos. of LT-3 tariff of 98 kW. The Executive Engineer (EI) issued an endorsement that conversion from HT-2(b) to LT-3 was not possible and, hence, rejected their application.

5. The 1<sup>st</sup> respondent added that this building had a mixed load and the ground floor and the 1<sup>st</sup> Floor were being used for commercial purposes and categorised under LT3 category. The second and third floors were put to residential use under LT-2(a) category. The building, at present, had a domestic load of 39.5 kW + 10 H.P= 49.05 and, if the requisitioned load was added, then the total load of the building came to 147 kW and under Note c of Clause 3.1.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 ***"If the requisition load/sanctioned commercial load/mixed load including power load of the building is in excess of 25% of the total load in the building then such building shall be considered as commercial building for the purpose of application of tariff for common area loads and for application of arranging power supply on HT basis."*** Accordingly, the Appellant had been informed on 29.10.2011 that his request for conversion from HT to LT could not be considered. Aggrieved by this decision, the Appellant filed a complaint before the 2<sup>nd</sup> Respondent and the 2<sup>nd</sup> Respondent, after hearing the parties, passed the impugned order rejecting the Appellant's plea for conversion from HT to LT. Hence, prayed this Authority to dismiss the appeal.

6. The case was taken up for hearing on 23.01.2013. On behalf of the Appellant, the Authorised Representative, Shri M.A.Delvi appeared and advanced his arguments and, on behalf of the 1<sup>st</sup> Respondent, the Assistant Executive Engineer(EI) Mannagudda Sub-Division, Shri Yeshavant Kamat, appeared and advanced his arguments. The arguments got concluded on 13.03.2013.

7. Both the Authorised Representative of the Appellant and the 1<sup>st</sup> Respondent, during the hearing, reiterated the submissions made in the appeal and the comments respectively.

8. Both parties were informed vide letter No.OMB/M/G-134/2012/142 dated 03.01.2013 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 following issues emerge for our consideration:

**a) Whether Note (i) of Clause 9.09 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka provides for conversion from HT to LT if the requisitioned load is less than 100 kW as contended by the Appellant?**

**b) Whether MESCOM is right in rejecting the application of the Appellant for sanction of 98 kW power under LT tariff category?**


10. In order to answer the 1<sup>st</sup> question, we will have to examine Note (i) of Clause 9.09 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka. This note states that **"In the case of existing commercial buildings already under service, where the requisitioned load is less than 100 kW and the consumer opts for individual meter, the same can be arranged if the consumer gets the wiring done through LEC at his cost duly making provision to fix up the meter by the side of the existing bulk meter. However, the sanctioned load of the bulk meter shall be automatically reduced to the extent of the load of the installation bifurcated for individual meter."** In the present case, the subject building is a commercial building and already under service and the building has an existing load of 39.05 Kw + 10 HT=49.05 kW and, if the

requisitioned load of 98 kW is added, then the total load of the building will exceed 100 kW and, in such a situation, the consumer cannot be sanctioned power under LT category. Further, Note (ii) of Clause 9.09 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka makes it amply clear that ***"if additional load is requested over and above the total load already sanctioned, the same shall be sanctioned within 100 kW only. For load of 100 kW and above, the consumer shall avail himself of HT supply."*** The note clearly advises the consumer to avail H.T supply for load of 100 kW and above.

11. The Appellant's argument that the 2<sup>nd</sup> and 3<sup>rd</sup> floors are residential apartments and the 1<sup>st</sup> Respondent had extended a separate service by providing 10 Nos. of installations by installing a separate transformer and, further HT installation bearing No 163, is also connected with a separate transformer and, hence, load sanctioned to the 2<sup>nd</sup> & 3<sup>rd</sup> floors has to be treated separately and the load sanctioned to the 2<sup>nd</sup> and 3<sup>rd</sup> floors should not be added to the requisitioned load, cannot be accepted because, the load is sanctioned to the building and, hence, necessarily the existing load has to be added to the requisitioned load. In the present case, when the existing load is added to the requisitioned load, the total load of the building exceeds 100 kW and, hence, the endorsement issued by MESCOM that the request of the Appellant cannot be considered under LT category is in conformity with Note C of Regulation 3.1.1 of KERC (Recovery Of Expenditure for Supply of Electricity) Regulations, 2004 and, further, Note (i) & (ii) of Clause 9.09 of Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka complements Note C of Regulation 3.1.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004. In the light of the above discussions, the contentions of the Appellant cannot be accepted and, **hence, deserves to be rejected.**

## **ORDER**

**12. For the foregoing reasons, the appeal is dismissed.**

  
(B.R. Jayaramaraje Urs)  
Electricity Ombudsman

1. Shri Ashok Kumar Rai, Rai estate & Builders Pvt.Ltd., Door No.2-17-1461/4, Bijai, Kavoor Road, MANGALORE-575005 (Represented by Sri M.A.Delvi, Advocate) - Authorised Representative)
2. Assistant Executive Engineer, O & M Sub Division, MESCOM, Mannagudda, Lalbagh, Mangalore
3. Chairperson, Consumer Grievance Redressal Forum, MESCOM, Paradigm Plaza, A.B.Shetty, Circle, Mangalore.
4. Managing Directors of all ESCOMs.
5. PS to Hon. Chairman, KERC
6. PS to Hon. Member(H), KERC
7. PS to Hon. Member(S), KERC
8. PS to Secretary, KERC