

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

Present: Shaik Ahmed,
Ombudsman

Case No.OMB/B/G-31/2007/3489
dated 19.11.2007

Applicant :

Smt.Maria Miranda,
92, 8th Cross,Kanakanagar,
R.T.Nagar Post,

BANGALORE-560034

(Represented by Counsel, Mr. A.B.Colaco)

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 3rd Respondent in file No. CGRF/08/2007/1939 with a direction to the 1st Respondent to convert her installation bearing RR NO. E5 LG 16520 from LT-1 to LT-2 without insisting for the payment of service line cost (infrastructure development charges). Her case is that the 1st Respondent has levied a sum of Rs.12,000/- towards infrastructure development charges for converting the installation of her house in

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Kanakanagar (R.T.Nagar Post) Bangalore from domestic lighting to AEH. She has stated that the Kanakanagar Layout in which her house is located is a Private Layout developed 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 Rs15,000/- from her for providing basic civic amenities. According to her, the KEB Supply Regulations 1988 did not make it obligatory for the Developer of a private layout to provide electrical infrastructure and that It was only on 5.11.1998 the KEB amended these Regulations for the levy of development charges in respect of layouts where the Developer has not provided any electrical infrastructure. Therefore, the amended provisions of the erstwhile KEB Regulations 1988 are not applicable to the Kanakanagar layout which was formed during 1986-87. She has further stated that the 1st Respondent has provided power connections to certain houses in the area without collecting any infrastructure/development charges from the owners. Therefore, according to her, the levy of infrastructure fee of Rs.12,000 by the 1st Respondent is illegal as the area has all the infrastructure like supply lines, distribution mains, transformers etc. required for the supply of power. Further, the Applicant has challenged the levy of infrastructure development charges before the Hon. High Court in Writ Petition No.4494/2002. 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.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 General Manager(Tech), BESCOM, the Applicant had filed a petition before the 3rd Respondent to declare that she was not liable to pay the infrastructure development fee. The 3rd 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 3rd 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 1st Respondent has filed a written statement vide letter No.AEE/C5/SD/AE(T)/S-56-59 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.

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 BESCOM. The Applicant had filed her application for the conversion of the installation from domestic light to AEH on 21.12.2001 i.e. after the enforcement of KERC (Electricity Supply & Distribution Code) on 29.3.2001. Clause 10.04 of the above Code provides for levy of cost of service lines on the consumer for providing power supply in respect of layout where the Developer/Promoter has not provided basic electrical infrastructure required for supply of the power. Admittedly, the Developer of the Kanakanagar Layout has not provided any electrical infrastructure to facilitate supply of power by BESCOM to the

buildings constructed in this Layout. Further, it is seen from the Order of the 2nd Respondent that BESCO has spent about Rs.1.00 crore towards development of electrical infrastructure in the area to provide power connections and that power connections have been provided to other premises only after collecting the infrastructure development charges in accordance with the KERC (Electricity Supply and Distribution) Code 2000-01 Hence, the levy of infrastructure development fee (i.e. cost of service lines) of Rs.12,000/- ordered by the 3rd Respondent is in accordance with law. Therefore, the impugned order dated 12.6.2007 passed by the 3rd Respondent in file No. CGRF/08/2007/1939 needs no interference.

The Application is, therefore, rejected.

(Shaik Ahmed)
Ombudsman

TO:

- 1.Smt.Maria Miranda, 92, 8th 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

