

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

Present: Shaik Ahmed,  
Ombudsman  
Case No.OMB/M/G-35/2007/4096  
Dated 01.04.2008

## Complainant :

Shri U.P.Shankar Rao,  
Opp Canara Bank Divisional Office,  
Kuvempu Road,  
**SHIMOGA.**  
(Represented by Smt.Jayalakshmi, Advocate)

## Respondents:

1. Assistant Executive Engineer(Ele)  
Urban Sub Division.  
MESCOM,  
**SHIMOGA**
2. The Consumer Grievance Redressal Forum,  
MESCOM Corporate Office,  
Paradigm Plaza, A.B.Shetty Circle,  
**MANGALORE-575001**

This is a complaint filed against the Order dated 11.07.2007 passed by the 2<sup>nd</sup> Respondent (CGRF, MESCOM) in file No. ಮೆಸ್ಕಾಂ/ಸಾದೂ//ಗ್ರಾಕುಂಕೊನಿವೇ-4/07.

The facts of this case are that the complainant had sought an additional power connection of 12 kW to his building which already has 4 connections both commercial and domestic with a total load of 19 kW. The 1<sup>st</sup> Respondent has provided an additional power connection on 28.9.06 after collecting a sum of Rs.78,000/- towards service line charges. The total load of the building including the additional connection is 31 kW (19+12). According to the complainant, the 1<sup>st</sup> Respondent did not calculate the service line charges in accordance

..2...

with Regulation 3.1.1 of the KERC (Recovery of Expenditure for Supply of Electricity) Regulations 2004, which provides for the levy of service line charges of Rs.20,800/- for the load up to 25 kW and Rs.6500/- per kW for the load above 25 kW. The 1<sup>st</sup> Respondent, therefore, has collected the service line charges of Rs.78,000/- for the entire additional load of 12 kW at the rate of Rs.6500/- per kW, thereby resulting in an excess collection of Rs.30,300/- from the complainant. Aggrieved by the excess collection of Rs.30,300/- towards service line charges, the complainant had filed a petition before the CGRF (2<sup>nd</sup> Respondent) seeking a direction to the 1<sup>st</sup> Respondent to refund the amount collected in excess along with the interest.

The 2<sup>nd</sup> Respondent, after hearing both the parties, has rejected the petition of the complainant on the ground that the complainant has taken a new connection with an additional load of 12 kW to his existing building and that the levy of service line charges of Rs.78,000/- by the 1<sup>st</sup> Respondent is in order.

Not satisfied with the Order of the CGRF, the complainant has filed this complaint before me to set aside the Order of the 2<sup>nd</sup> Respondent and to direct the 1<sup>st</sup> Respondent to refund the amount of Rs.30,300/- collected in excess with an interest at 21% p.a.

I have gone through the written submissions made by both the parties. I have also heard Smt.Jayalakshmi, Counsel for the complainant on 29.2.2008. She has stated that the premises in question has 4 existing power connections and the complainant has taken an additional connection with a load of 12 kW.

She has further stated that the total load of all the connections including the additional connection is 31 kW and the 1<sup>st</sup> Respondent should have calculated service line charges in accordance with Regulation 3.1.5(a) of the aforesaid Regulations i.e. Rs.20,800 for the load up to 25 kW and Rs.39,000/- for the balance of 6 kW at the rate of Rs.6500/- per kW. Instead, the 1<sup>st</sup> Respondent has collected the service line charges for the entire 12 kW resulting in excess collection of Rs.30,300/-. She has further submitted that the 2<sup>nd</sup> Respondent has failed to apply the relevant provisions of law to her case and has passed the impugned Order which is in gross violation of the above Regulations. She, therefore, prays to set aside the Order of the 2<sup>nd</sup> Respondent and direct the 1<sup>st</sup> Respondent to refund the excess amount of Rs.30,300/- with an interest at 21% p.a.

The 1<sup>st</sup> Respondent in his written submission has stated that the complainant has taken the new connection of 12 KW and, therefore, the levy of the service line charges of Rs.78,000/- at the rate of Rs.6500/- per kW is in accordance with Regulation 3.1.7 of the above Regulations.

It is an admitted fact that the premises of the complainant exceeds 500 sq meters with 4 existing connections (with a total load of 19 kW) serviced in 1973 and 2003 on different dates. As seen from the records, the specified load for the entire building is 37.10 kW. As against this, the complainant has taken 4 connections with a total load of 19 kW during 1973 and 2003. The additional connection (12 kW) is taken during 2006 from the same main line through which the existing 4 connections get the power supply. Thus, the total load of the building including the additional connection is only 31 kW which is less than the

the specified sanctioned load of 37.10 kW. This case, therefore, attracts the Regulation 3.1.7(C) or 3.1.7(D)(a) of the KERC (Recovery of Expenditure for Supply of Electricity) Regulations 2004 which is reproduced below:

**“3.1.7(C)** *In case of buildings serviced earlier to 25.8.2005, if the additional load for existing installations or additional installations under common mains is sought and if the total inclusive of such additional load sought is within the specified load already sanctioned as per ES&D Code, 2000-01, for which the Applicant has already remitted the cost towards service line at the rates prevailing on that date, then in such cases (1) providing space, transformer, switchgear and associated equipment by the consumer shall not be applicable (2) No service line cost shall be collected for the additional load.”*

**3.1.7 (D)(a)** *Charges where the total load (existing+additional load) including additional load is more than 25 kW and up to and inclusive of 50 kW:-*

**Rs.6500/- per kW for additional load sought for.”**

**If the complainant has paid for the entire specified sanctioned load, the provisions of Regulation 3.1.7(C) will apply. On the other hand, if he has not paid for the entire specified sanctioned load, then the provisions contained in Regulation 3.1.7(D)(a) will apply and what is levied is in order.**

The CGRF, MESCOM has not examined this case in accordance with the above Regulations. Hence the Order dated 11.07.2007 of the CGRF, MESCOM is set aside and the case is remanded back to the CGRF, MESCOM for fresh disposal in accordance with the above Regulations.

The appeal is therefore allowed.

(Shaik Ahmed)  
Ombudsman

1. Shri U.P.Shankar Rao, Opp.Canra Bank Divisional Office, Kuvempu Road, Shimoga

2. The Asst. Executive Engineer(EI), Urban Sub-Division, MESCOM, Shimoga.

3. The Consumer Grievance Redressal Forum, MESCOM, Paradigm Plaza, A.B.Shetty Circle, Mangalore-575001.

4. The Managing Director, MESCOM, Paradigm Plaza, A.B.Shetty Circle, Mangalore-575001.

5. PS to Hon.Chairman 6. PS to Hon. Member-(Tech) 7. Secretary

8. Consultant (O.C.A.) 9. Chairpersons of all CGRF 10. Director(Tariff)