

BEFORE THE ELECTRICITY OMBUDSMAN

No.16 C-1, Miller Tank Bed Area (Behind Jain Hospital)
Vasanthanagar, Bengaluru-560052.

Present: **R. Sharada,**
District Judge (Retd)
Electricity Ombudsman,

Case No. OMB/G/G-487/2022
Dated: 29/12/2022

In the matter of

1. Sri Gyan Reddy S/o Gunda Reddy,
Aged about 62 years.
2. Sri Vithal Reddy S/o Gunda Reddy,
Aged about 56 years,
Both residing at Thripuranth Village,
Basavakalyan Taluk,
Bidar District.

Represented by:

Sri Sudhir Kumar, Advocate,
Nyay Prateek Law Chambers,
No. 8, Krishna Complex,
Nagarbhavi, 2nd Stage,
Bengaluru - 560072.

- Appellant/Complainant

Vs

- 1) The Assistant Executive Engineer (Ele),
O & M Sub-division, GESCOM,
Basavakalyan.
(Self)

- 2) The Executive Engineer (Ele),
O & M Sub-division, GESCOM,
Humnabad.
- 3) The Chief Engineer (Ele),
O & M Zone, GESCOM,
Kalaburagi.

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Respondents

This Appeal is filed by the Complainant/Appellant under Section 42(6) of the Electricity Act, 2003 and KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004, against the orders passed by the CGRF, Bidar in Case No. 10/2019, order No. CGRF/BDR/12 dated 16.02.2022, with a prayer to issue direction to 1st Respondent to prepare estimate for electrification of layout belongs to Appellants i.e., NA land Sy No. 95/6 measuring 3 Acres 37 Guntas and Sy No. 95/7 measuring 3 Acres of village Thripuranth, Basavakalyan Taluk under overhead by setting aside the order of the CGRF, GESCOM, Bidar in Case No. 10/2019 dated 16.02.2022 & issue direction to pay compensation of Rs. 1,00,000/- for abnormal delay and Rs. 50,000/- litigation expenses, or any other order as deems fit in the interest of justice and equity.

- 1) It is the case of the Complainant/Appellants that, they are absolute owners of NA land bearing Survey No. 95/6 measuring 3 Acres 37 Guntas Survey No. 95/7 measuring 3 Acres totally measuring 6 Acres 37 Guntas situated in Thripuranth Village, Basavakalyan Taluk. The Appellants/Complainants had given an application to the 1st Respondent/AEE(Ele), Basavakalyana, GESCOM for electrification of the lands bearing Survey No. 95/6 and 95/7 on 10.12.2018. The Appellants/Complainants have remitted the necessary fee of Rs. 250/- (vide receipt No. 666971), Rs. 23/- (vide receipt No. 681614) and Rs. 23/- (vide receipt No. 623943) on the same day i.e., 10.12.2018.
- 2) Thereafter, application was forwarded to the concerned Section Officer for preparation of estimate for electrification of the said layouts formed in Survey No. 95/6 & 95/7. The concerned Section Officer has prepared estimate under self-execution scheme, under UG cable instead of overhead, though the said layouts do not come within the limits of CMC, Basavakalyana. Being aggrieved by the same the Appellants/Complainants have filed a complaint before the CGRF, Bidar. The CGRF has passed impugned order in Complaint No. 10/2019 holding that the estimate prepared by the

Section Officer under UG cable is correct. Aggrieved by this order of the CGRF, Bidar the present appeal is filed with following grounds: -

GROUNDS

- a) The Forum has lost its sight to consider the report of Respondents Authority and opinion of 3rd Respondent as to layout of Appellants/Complainants does not come within the CMC limits of Basavakalyana.
- b) There are no documentary evidence to say that the said layouts of the Appellants/Complainants comes within the CMC limits of Basavakalyana.
- c) The Deputy Commissioner sent a proposal to the State Government to insert layout of the Appellants/Complainants in CMC limits which is pending, but the Forum had opined that the estimation prepared by the Section Officer is correct which is against to law.
- d) The opinion formed by the Forum based on the letter issued by CMC, Basavakalyana dated 09.07.2019 about layout plan registered in CMC of Basavakalyana is not correct that too in the absence of notification by the State Government as to

Appellants/Complainants layout comes within the CMC limits of Basavakalaya and subsequent letter dated 19.10.2020.

Aggrieved by the orders of the CGRF, Bidar in complaint No. 10/2019 the present appeal is filed, hence, the Appellants/Complainants pray to allow the appeal as prayed for in the interest of justice and equity.

- 3) This Authority has issued notice to the Respondents. The 1st Respondent has appeared before this Authority and filed written reply by way of parawise comments.
- 4) In the reply the 1st Respondent has stated that, the order passed by the CGRF, GESCOM, Bidar is in accordance with law i.e., as per KERC (Recovery of Expenditure of Supply of Electricity) Regulations, 2004, Clause 3.2.1 & 3.2.1(vi). Hence the appeal is not maintainable, liable to be dismissed.
- 5) The averments in para 2 to 5 are admitted by the 1st Respondent. But he denied the averments made in para 6 that, the layout area comes under the rural limit, the Licensee shall have to prepare the estimate by using the overhead conductor as per the Supply of Condition of KERC.

- 6) As per KERC Notification KERC/D/3/17-18, Bengaluru dated 27.12.2017, it is clearly mentioned under Clause 3.2.1 & 3.2.1(vi) in the case of layout approved by the Competent Authority except improvement/augmentation works in strengthening of the distribution main, the Developer shall execute at his cost the electric line/plant such as extension of work including extension of 11KV line/UG cable. LT lines/UG cable mounting structural for distribution transformer etc., and shall deposit with the Licensee, the cost of distribution transformer and allied materials/equipment required to be installed in the layout as per the estimate prepared at the prevailing schedule of rates by the Licensee separately under deposit contribution head. The criteria for assessment of load in a layout shall be as per Clause 3.2.1(vi). The developer shall use cable for 11KV and LT lines in the new layouts developed.
- 7) The estimate was prepared as per the rules of the KERC, but the Appellants/Complainants were not come forward to deposit the estimate amount but filed the complaint before the CGRF and it is submitted that there is no any delay from the Respondent No. 1 Office.

8) The averments made in Para 8 are false and denied by the 1st Respondent that the Officials of 1st Respondent does not have the proper and valid documents to show that the area comes under the city limit in lieu of which the estimate was prepared and without any documentary proof the estimate has been prepared with UG cable to increase the cost of estimate. The Commissioner of City Municipal Council, Basavakalyana, Bidar District has issued a letter to the 1st Respondent dated 09.07.2019 stating that the land bearing Survey No. 95/6 & 95/7 of village Thripuranth comes under the jurisdiction of City Municipal. The Chief Engineer (Ele), GESCOM, Kalburgi dated 09.03.2021 constituted a 3 Members Committee to investigate and to find out whether the said land bearing Survey No. 95/6 & 95/7 falls under which jurisdiction in order to provide electrification. Accordingly, the said 3 Members Committee after verification of the records filed its report through Superintendent Engineer (Ele), MRT-LDC, Corporate Office, GESCOM, Kalburgi stating that to keep the proposal of electrification of said layout on hold till the proposal of Deputy Commissioner, Bidar is accepted by Government and appropriate

order is passed. The Appellants/Complainants are making false allegations.

- 9) The Respondent's Office has already implemented the UG cables to the newly layouts come under the city limit and it is further submitted that, the land comes under the jurisdiction of city limits as per the guidelines of KERC. The Appellants/Complainants to avoid the cost of UG cable estimate filed false complaint before the CGRF as well the appeal before this Authority. If the lands come under the rural area, then the concerned PDO or Secretary should have issued the layout documents, but the layout plots mutations and construction permission were issued by the CMC, Basavakalyana. Hence, the allegations made against the Respondents are all false, under these circumstances, the appeal is liable to be dismissed and prays to dismiss the appeal in the interest of justice and equity.
- 10) The Learned Counsel for the Appellants/Complainants and Respondent No. 1 have submitted their arguments along with written submissions.
- 11) Heard the arguments, and perused the records.

12) At this stage the below mentioned points arose for my consideration.

a) **Point No. 1:** - Whether the Appellants/Complainants prove that the order passed by the CGRF, Bidar in case No. 10/2019, order No. CGRF/BDR/12 dated 16.02.2022 is arbitrary, and not sustainable under law, thereby the interference of this Authority is needed.

b) **Point No. 2:** - What Order?

13) My answers to the points as stated below: -

a. **Point No. 1:** - In Negative.

b. **Point No. 2:** - As per final order, for the reasons made herein below: -

REASONS

14) **Point No. 1:** - During the course of arguments, the Counsel of the Appellants/Complainants has submitted that he has filed this appeal aggrieved by the orders passed by the CGRF, Bidar in respect of lands bearing Survey No. 95/6 & 95/7 of Thripurantha Village in Case No. 10/2019 dated 16.02.2022.

15) The Appellants/Complainants have submitted an application to the Assistant Executive Engineer (Ele), O & M, GESCOM, Basavakalyana on 10.12.2018 for electrification of residential layout to the lands bearing Survey No. 95/6 & 95/7 of Thripurantha Village. Thereafter, the sub-division officials of GESCOM, Basavakalyana issued notice to the Appellants/Complainants for payment of registration charges and the same was deposited. Thereafter, the officials concerned issued an application bearing No. BKL-06/10.12.2018 and the application was forwarded to the Section Officer concerned for preparation of estimate. The Section Officer visited the layout along with electrical contractor and submitted the estimate to the sub-divisional Officer for further necessary action. As per approval of layout the area comes under the rural limit. Hence, the Licensee shall have to prepare the estimate by using the overhead conductor as per the SOP, KERC. The Appellants/Complainants submitted several representations to prepare the estimate as per Supply Condition, but the officials did not consider the request and kept the matter pending without any valid reasons. Actually, the officials of the Sub-division, Basavakalyana do not have any proper and valid documents to

show that the area in Survey No. 95/6 & 95/7 of Thripurantha Village falls under the city limit. The Chief Engineer (Ele), O & M Zone, issued intimation in this regard vide letter dated 09.09.2019 i.e., after an abnormal delay of 8 months. Having no any alternative the Appellants/Complainants have approached the CGRF, Bidar for redressal of their grievance. But, the CGRF, Bidar has not considered the contention of the Appellants/Complainants but passed impugned order dated 16.02.2022.

- 16) It is submitted that, it is undisputed fact that the Appellants/Complainants had sought necessary permission from the Office of Deputy Commissioner, Bidar in respect of conversion of said agricultural lands to non-agricultural residential purpose vide order dated 30.07.2014. It is also not in dispute that the Appellants/Complainants sought technical approval from office of City & Rural Planning Department, Kalburgi vide order dated 04.07.2015. The Commissioner, CMC, Basavakalaya has issued a letter dated 09.09.2014 stating that the said land bearing Survey No. 95/6 & 95/7 of Thripurantha Village do not fall to the jurisdiction of CMC. On 09.03.2021 the Chief Engineer (Ele), GESCOM, Kalburgi constituted a 3 Member Committee to

investigate and find whether the land bearing Survey No. 95/6 & 95/7 falls under which jurisdiction in order to provide electrification. Accordingly, the said 3 Member Committee after verifying the records filed its report through SE (Ele), MRT-LDC, Corporate Office, GESCOM, Kalburgi, stating that to keep the proposal of electrification of the said layout on hold till the proposal of Deputy Commissioner, Bidar is accepted by the Government and appropriate order is passed. This report is an arbitrary and unreasonable.

- 17) Further he submitted that the Respondents have not filed any records which firmly and conclusively establishes that the said converted land bearing No. 95/6 & 95/7 of Thripurantha village falls under jurisdiction of City Municipal, Bidar. The Deputy Commissioner proposal with relevant records is not yet filed under such circumstances the Respondents have required to provide the electrification as applicable to rural area (overhead conductor) and not under UG cable. Hence the orders passed by the CGRF, Bidar in case No. 10/2019 dated 16.02.2022 is illegal, arbitrary, and not sustainable in the eyes of law. Hence, he prays to allow the appeal

as prayed for by setting aside the orders passed in case No. 10/2019 in the interest of justice and equity.

18) In support of his arguments, the Appellant has produced below mentioned documents: -

1. Copy of the Form 'A' filed before CGRF, Bidar.
2. Copy of the complaint filed before CGRF, Bidar.
3. Copy of the written statement filed by the Respondent No. 2 & 3 before CGRF, Bidar.
4. The impugned order passed by CGRF, Bidar in case No. 10/2019.
5. Copy of requisition for supply of energy dated 10.12.2018.
6. Copy of the receipts for having made payment of Rs. 23/-, Rs. 23/- & Rs. 250/-
7. Copy of the Official Memorandum dated 30.07.2014 issued by Office of Deputy Commissioner, Bidar.
8. Copy of the technical approval dated 04.07.2015 issued by Joint Director, City & Rural Planning Department, Kalburgi.
9. Copy of the letter written by Commissioner, CMC, Basavakalyana dated 09.09.2014 to Assistant Director, City & Rural Planning Department, Bidar.
10. Copy of the acknowledgement issued by Commissioner, CMC, Basavakalyana dated 21.10.2016 in favour of Gna Reddy/1st Appellant.
11. Copy of the letter written by AEE (Ele), O & M Sub-division, Basavakalyana dated 18.02.2019 to Executive Engineer (Ele), O & M Division, GESCOM, Humunabad.
12. Copy of the letter written by SE (Ele), GESCOM, Bidar dated 16.03.2019 to the Executive Engineer (Ele), O & M Division, GESCOM, Humunabad.
13. Copy of the letter written by Executive Engineer (Ele), O & M Division, GESCOM, Humunabad dated 27.03.2019 to the AEE (Ele), O & M Sub-division, Basavakalyana.
14. Copy of the estimate letter written by AEE (Ele), O & M Sub-division, Basavakalyana dated 18.05.2019 to

- Executive Engineer (Ele), O & M Division, GESCOM, Humunabad.
15. Copy of the letter written by Executive Engineer (Ele), O & M Division, GESCOM, Humunabad dated 06.06.2019 to SE (Ele), O & M Circle, GESCOM, Bidar.
 16. Copy of the letter written by Chief Engineer (Ele), Operations, GESCOM, Kalburgi dated 17.07.2019 to the Chief Engineer (Ele), O & M Zone, GESCOM, Kalburgi.
 17. Copy of the letter written by SE (Ele), GESCOM, Bidar dated 18.07.2019 to the Executive Engineer (Ele), GESCOM, Humnabad.
 18. Copy of the letter written by Executive Engineer (Ele), O & M Division, GESCOM, Humnabad dated 22.07.2019 to AEE (Ele), O & M Sub-division, GESCOM, Kalburgi.
 19. Copy of the estimate dated 29.07.2019 to AEE (Ele), O & M Sub-division, GESCOM, Basavakalyana submitted to Executive Engineer (Ele), O & M Division, GESCOM, Humnabad.
 20. Copy of the letter written by Chief Engineer (Ele) Kalburgi to the Executive Engineer (Ele), O & M Division, GESCOM, Humnabad on 16.08.2019 (to submit estimate through proper channel).
 21. Copy of the letter dated 17.08.2019 to AEE (Ele), O & M Sub-division, GESCOM, Basavakalyana to Executive Engineer (Ele), O & M Division, GESCOM, Humnabad.
 22. Copy of the letter written by Superintendent Engineer (Ele), GESCOM, Bidar stating the cost of estimate of Rs. 49,70,590/- dated 28.08.2019 to the Chief Engineer (Ele), GESCOM, Kalburgi.
 23. Copy of the letter written by AEE (Ele), O & M Sub-division, GESCOM, Basavakalyana dated Nil to the Section Officer, O & M Urban-1 Section, GESCOM sub-division, Basavakalyana.
 24. Copy of the letter written by Chief Engineer (Ele), GESCOM, Kalburgi regarding Self-Execution Scheme and DCW dated 09.09.2019 to the Appellants/Complainants.
 25. Copy of the letter written by CMC, Basavakalyana dated 09.07.2019 to the Executive Engineer (Ele), O & M Sub-division, GESCOM, Basavakalyana stating the

- properties bearing Survey No. 95/6 & 95/7 comes under CMC, Basavakalyana limits.
26. Copy of the letter written by Chief Engineer (Ele), GESCOM, Kalburgi dated 31.12.2020 to the Deputy Commissioner, Bidar requesting to submit the information regarding whether the Survey No. 95/6 & 95/7 properties falls under urban planning limits or rural limits.
 27. Copy of the Official Memorandum dated 10.03.2021 issued by Chief Engineer (Ele), Operations, GESCOM, Kalburgi.
 28. Copy of the letter written by Superintending Engineer (Ele), MRT-LDC, Corporate Office, GESCOM, Kalburgi dated 08.04.2021 for submission of inspection report along with opinion and related documents to the Chief Engineer (Ele), Operations, Corporate Office, GESCOM, Kalburgi.
 29. Copy of the RTI information dated 07.06.2021 given by PRO, GESCOM, Kalburgi to A.A. Doddamani, Kalburgi.
 30. Copy of the report given by Superintending Engineer (Ele), MRTLDC, Corporate Office, GESCOM, Kalburgi & Others regarding spot inspection conducted on 06.04.2021.
 31. Copy of the letter written by Department of Urban Development dated 19.03.2022 sent to Sri Rajkumar Alanda, Kalburgi furnishing the information as per request made on 07.01.2021.
 32. Copy of the letter written by Under Secretary, Urban Development Department dated 23.06.2021 to Directorate of Municipal Administration, Bengaluru.
 33. Copy of the letter written by Deputy Commissioner, Bidar dated 07.01.2021 to the Under Secretary, Urban Development Department.
 34. Copy of the Schedule 'A' given by CMC, Basavakalyana regarding furnishing details of border.
 35. Copy of the endorsement given by CMC, Basavakalyana dated 19.10.2020 to Appellants/Complainants stating that the lands bearing Survey No. 95/6 & 95/7 falls out of the limits of CMC, Basavakalyana.

36. Copy of the endorsement given by CMC, Basavakalyana dated 20.10.2020 to Appellants/Complainants stating that the lands bearing Survey No. 95/6 & 95/7 falls out of the limits of CMC, Basavakalyana.
37. Copy of the details of towns and villages covered by the Local Plan Area of Bidar District.
38. Copy of the General Power of Attorney.
39. Copy of the Aadhar Card belongs to Sri Gyana Reddy.
40. Copy of the letter written by Joint Secretary and First Appellate Authority, Legislative Assembly Ministry, Bengaluru to Sri Rajkumar Alanda, Kalburugi (regarding information sought under RTI).

19) The 1st Respondent during the course of arguments has submitted that, the order passed by the CGRF, GESCOM, Bidar in respect of NA land bearing Survey No. 95/6 & 95/7 of Tripurantha Village, in file No. 10/2019, dated 16.02.2022 is in accordance with law. The CGRF after carefully considering all the aspects of the case came to the conclusion that the estimation prepared by the Section Officer is holds good and it is prepared as per the Regulations issued by KERC.

20) The 1st Respondent submitted that it is false to say that the layout area comes under the rural limit. As per the KERC notification KERC/D/3/17-18, Bengaluru, dated 27.12.2017, it is clearly mentioned under Clause 3.2.1 and 3.2.1(vi), in case of layout approved by Competent Authority except improvement/ augmentation works in strengthening of the distribution main, the

Developer shall execute at his cost the electric line/plant such as extension of work including the extension of 11KV line/UG cable, LT lines/UG cable, mounting structural for distribution transformer etc., and shall deposit with the Licensee, the cost of distribution transformer and allied materials required to be installed in the layout as per the estimate prepared at the prevailing schedule of rates by the Licensee separately under deposit contribution head. Accordingly, the estimate was prepared but the Appellants/Complainants were not come forward to deposit the estimate amount, but filed a complaint before the CGRF, Bidar. There is no delay on the part of the Licensee Company, if there is any delay it is caused only by the Appellants/Complainants.

21) Further, submitted that the allegations made by the Appellants/Complainants, that the Respondent No. 1 and his officials do not have any proper and valid documents to show that the area comes under the city limit, in lieu of that the estimate was prepared is false and not tenable. The CMC, Basavakalyana, Bidar District has issued a letter dated 09.07.2019 to the 1st Respondent stating that the land bearing Survey No. 95/6 measuring 3 Acres 37 Guntas and 95/7 measures 3 Acres totally 6 Acres 37 Guntas of

Tripurantha Village comes under the jurisdiction of CMC. The CGRF, Bidar after verifying all the relevant documents passed impugned order which is in accordance with law and regulations. In spite of that the Appellants/Complainants have approached this Authority only to avoid depositing the required amount with the Licensee Company. Hence, he prays to dismiss the appeal by upholding the orders passed by the CGRF, Bidar in the interest of justice and equity.

22) In support of his arguments the 1st Respondent has produced the following documents: -

- a) The copy of the letter written by Commissioner, CMC, Basavakalyana dated 06.12.2016 to the Director (Planning), District Urban Development Cell, Bidar (Annexure-R1).
- b) Copy of the report given by Superintending Engineer (Ele), MRTLDC, Corporate Office, GESCOM, Kalburgi & Others regarding spot inspection conducted on 06.04.2021 (Annexure-R2).
- c) The copy of the letter written by Commissioner, CMC, Basavakalyana dated 09.07.2019 to the 1st Respondent (Annexure-R3).
- d) The copy of the letter addressed to Sub-Registrar, Basavakalyana stating the relinquishing certain area for the purpose of Public Park and public road in Survey No. 95/6 & 95/7 of Tripurantha Village by the Appellants/Complainants No. 1 & 2 in favour of Commissioner, CMC, Basavakalyana (Annexure-R4)
- e) The copy of the technical approval issued by Joint Director, Department of Urban Development & Rural Planning (Annexure-R5).

- 23) On perusal of entire records, it appears that, it is not in dispute that the land bearing Survey No. 95/6 measuring 3 Acres 37 Guntas and 95/7 measuring 3 Acres of Tripurantha Village belongs to the Appellants/Complainants. They have formed layout of residential sites. They applied for electrification to the said layout, accordingly the sub-division Office of GESCOM, Basavakalayna intimated the Appellants/Complainants for payment of registration charges and the amount is paid on 10.12.2018. Thereafter, the application for electrification was forwarded to the Section Officer for preparation of estimate. The Section Officer concerned visited the layout along with the Electrical Contractor and submitted the estimate to the Sub-Divisional Officer for further necessary action for sanction of electrification.
- 24) The only dispute arose between the parties, that the layout formed in Survey No. 95/6 & 95/7 of Tripurantha Village whether comes under CMC, Basavakalyana limits or Rural limits. According to the Appellants/Complainants it comes under Rural limits but the Section Officer of the Licensee has prepared the estimate with UG cable to increase the cost of the estimate. Actually, it ought to have

been prepared by using overhead conductor as per the Regulations issued by KERC, which is vehemently denied by the Respondents.

25) I have perused the documents produced by the Appellants/Complainants. The Document No. 1 to 6, 38, 39, 40 are not much necessary for discussion, since, the order passed by the CGRF, Bidar is under challenge before this Authority. As per Document No. 7, the Deputy Commissioner, Bidar has issued Official Memorandum dated 30.07.2014 and passed orders of alienation and directed to utilize the alienated land for the purpose of residence subject to certain conditions. As per Document No. 8, it appears that Joint Director, Urban Development & Rural Planning Department, Kalburgi has issued technical approval dated 04.07.2015 for formation of layout in Survey No. 95/6 & 95/7. In that letter he has referred the orders passed by the Deputy Commissioner, Bidar in reference No. 1 for having converted the lands in Survey No. 95/6 & 95/7 from agricultural to non-agricultural purpose.

26) The very contention of the Appellants/Complainants that though the Commissioner, CMC, Basavakalyana has written letter dated 09.07.2019 (Annexure-3 filed by the Respondents) stating that the

lands in Survey No. 95/6 & 95/7 of Tripurantha Village comes under the jurisdiction of the CMC, but the letter dated 19.10.2020 (Document No. 35 filed by the Appellants/Complainants) which is recent one, the land in Survey No. 95/6 & 95/7 of Tripurantha Village falls out of the limits of the CMC. Under these circumstances, the Respondent No. 1 has to prepare estimate under self-execution scheme, under overhead conductor instead of UG cable.

27) On looking into the documents produced by the Respondent No. 1 particularly Annexure-R4, the Appellants/Complainants have given up certain portion of land in Survey No. 95/6 & 95/7 in favour of CMC, Basavakalyana for the purpose of formation of public park, ground/open land and public road. The said document reads as follows: -

**“ಉದ್ಯಾನವನ/ಬಯಲು ಜಾಗೆ ಮತ್ತು
ನಾಗರಿಕ ಸೌಲಭ್ಯ ಹಾಗೂ ರಸ್ತೆ ಜಾಗೆ ಜಾಗೆ
ಮೀಸಲಾಗಿರಿಸಿರುವ ಜಾಗೆಗಳನ್ನು
ಹಸ್ತಾಂತರಿಸುತ್ತಿರುವ ನೋಂದಾಯಿತ ಪರಿತ್ಯಾಜ್ಯ
ಪತ್ರ**

ಸನ್ ಎರಡು ಸಾವಿರ ಸಾಲಿನ ಹದಿನಾರು ಇಸವಿ
ಜನವರಿ ಮಾಹೆ ತಾರೀಖು _____
ದಿ:_____ ರಲ್ಲಿ (ರಾಜ್ಯಪಾಲರ ಕರ್ನಾಟಕ
ಸರ್ಕಾರದ ಪರವಾಗಿ) ಬಸವಕಲ್ಯಾಣ ನಗರಸಭೆ
ಪೌರಾಯುಕ್ತರು, ಬಸವಕಲ್ಯಾಣ ನಗರದಲ್ಲಿ

ವಾಸವಾಗಿರುವ ಶ್ರೀ ಗುಂಡಾರೆಡ್ಡಿ ವರ ಮಗ ಸುಮಾರು 55 ವರ್ಷದ ಶ್ರೀ ಜ್ಞಾನರೆಡ್ಡಿ ಮತ್ತು ಶ್ರೀ ಗುಂಡಾರೆಡ್ಡಿ ವರ ಮಗ ಸುಮಾರು ೬೨ ವರ್ಷದ ಶ್ರೀ ವಿಠಲ ಇವರಿಬ್ಬರು ಒಪ್ಪಿ ಬರೆದುಕೊಟ್ಟ ಉದ್ಯಾನವನ/ಬಯಲು ಜಾಗೆ ಮತ್ತು ನಾಗರಿಕ ಸೌಲಭ್ಯ ಹಾಗೂ ರಸ್ತೆ ಜಾಗದ ಪರಿತ್ಯಾಜ್ಯ ಪತ್ರ ನನ್ನ ಸ್ವಂತ ಜಮೀನು ಬಸವಕಲ್ಯಾಣ ತಾಲೂಕಿನ ತ್ರಿಪುರಾಂತ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 95/6 ರಲ್ಲಿನ ವಿಸ್ತೀರ್ಣ 03 ಎಕರೆ 37 ಗುಂಟೆ ಜಮೀನು ಮತ್ತು ಸರ್ವೆ ನಂ. 95/7 ರಲ್ಲಿ ವಿಸ್ತೀರ್ಣ 03 ಎಕರೆ 00 ಗುಂಟೆ ಜಮೀನು ಹೀಗೆ ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 06 ಎಕರೆ 37 ಗುಂಟೆ ಜಮೀನನ್ನು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಬೀದರ ಇವರು ದಿನಾಂಕ 30.07.2014 ರಲ್ಲಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಕಂ/ಸಿಟಿಎನ್/ಸಿಆರ್-68/2012-13/4448 ಮತ್ತು ಕಂ/ಸಿಟಿಎನ್/ಸಿಆರ್-72/2012-13/4449ನೇ ಮೂಲಕ ವಸತಿ ಉದ್ದೇಶಕ್ಕಾಗಿ ಎನ್.ಎ. ಮಾಡಿಸಿ 06 ಎಕರೆ 37 ಗುಂಟೆ ಜಮೀನಿನಲ್ಲಿ ವಸತಿ ವಿನ್ಯಾಸ ನಕ್ಷೆಯ ಮಂಜೂರಾತಿ ಪಡೆಯುವ ಉದ್ದೇಶವನ್ನು ಹೊಂದಿರುತ್ತೇನೆ. ಸದರಿ ವಿಷಯದ ಬಗ್ಗೆ ನಗರ ಮತ್ತು ಗ್ರಾಮಾಂತರ ಯೋಜನಾ ಜಂಟಿ ನಿರ್ದೇಶಕರು ಕಲಬುರ್ಗಿ ತಿಳಿಸಿರುವ ಮೇರೆಗೆ ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ಬರುವ ಉದ್ಯಾನವನ/ಬಯಲು ಜಾಗೆ ಮತ್ತು ನಾಗರಿಕ ಸೌಲಭ್ಯ ಹಾಗೂ ರಸ್ತೆ ಜಾಗೆಯನ್ನು ಸಾರ್ವಜನಿಕ ಉಪಯೋಗಕ್ಕಾಗಿ ಉಚಿತವಾಗಿ ಕೊಡಬೇಕೆಂದು ತಿಳಿಸಿರುವ ಮೇರೆಗೆ ಉಚಿತವಾಗಿ ಪರಿತ್ಯಾಜ್ಯ ಪತ್ರದ ಮುಖಾಂತರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ಇನ್ನು ಮುಂದೆ ಸದರಿ ಉದ್ಯಾನವನ/ಬಯಲು ಜಾಗೆ ಮತ್ತು ನಾಗರಿಕ ಸೌಲಭ್ಯ ಹಾಗೂ ರಸ್ತೆ ಜಾಗೆಗಳನ್ನು ಸಾರ್ವಜನಿಕ ಉಪಯೋಗಕ್ಕಾಗಿ ಉಪಯೋಗಿಸತಕ್ಕದ್ದು. ಸದರಿ ಜಾಗೆಗಳ ಬಗ್ಗೆ ಯಾವ ವಿಧವಾದ ಪ್ರತಿಫಲವನ್ನು ನಾನು ಅಪೇಕ್ಷಿಸದೇ ನಗರಸಭೆಗೆ ಈ ಮೂಲಕ ಹಸ್ತಾಂತರಿಸಿ ಕೊಡುತ್ತಿದ್ದೇನೆ."

ಸದರಿ ಜಾಗದ ವಿವರಗಳು ಈ ಕೆಳಕಂಡಂತಿರುತ್ತವೆ.

1) ಉದ್ಯಾನವನ/ಬಯಲು ಜಾಗೆ: ಪೂರ್ವ-ಪಶ್ಚಿಮ ಉತ್ತರ-ದಕ್ಷಿಣ

	<u>24.00+39.95ಮೀ.</u>	<u>42.20+74.14 ಮೀ.</u>
	2	2
2) ನಾಗರಿಕ ಸೌಲಭ್ಯ	<u>9.60+31.86ಮೀ.</u>	<u>22.73+39.06+53.93 ಮೀ.</u>
	2	2
3) ರಸ್ತೆ:	1) 133.47ಮೀ.	9.ಮೀ.
	2) 9.ಮೀ.	36.37ಮೀ.
	3) 133.70ಮೀ.	9.ಮೀ.
	4) 9.ಮೀ.	106.09ಮೀ.
	5) 9.ಮೀ.	146.65ಮೀ.
	6) 9.ಮೀ.	137.18ಮೀ.
	7) 61.35ಮೀ.	9.ಮೀ.
	8) 24.ಮೀ.	9.ಮೀ.

ಪರಿತ್ಯಾಜ್ಯ ಪತ್ರ ಬರೆದು ಕೊಟ್ಟವರು

ಪರಿತ್ಯಾಜ್ಯ ಪತ್ರ ಸ್ವೀಕರಿಸಿದವರು

ಶ್ರೀ. ವಿಠಲರೆಡ್ಡಿ ತಂದೆ ಗುಂಡಾರೆಡ್ಡಿ ಮತ್ತು
ಶ್ರೀ. ಜ್ಞಾನರೆಡ್ಡಿ ತಂದೆ ಗುಂಡಾರೆಡ್ಡಿ
ಸಾ// ತ್ರಿಪುರಾಂತ, ತಾ:ಬಸವಕಲ್ಯಾಣ, ಜಿ:ಬೀದರ.

ಪೌರಾಯಕ್ತರು.
ನಗರಸಭೆ, ಬಸವಕಲ್ಯಾಣ.

ಸಾಕ್ಷಿಗಳು: 1)

2)

Further it is seen in the said document that the Appellants/Complainants and Commissioner, CMC, Basavakalyana have put their signatures accepting the contents of the letter. And this letter is forwarded to the Sub-Registrar, Basavakalyana to take up necessary steps in order to register the portion of lands in the name of the CMC, Basavakalyana for utilization of public purpose.

".....ಬಸವಕಲ್ಯಾಣ ತಾಲೂಕಿನ ತ್ರಿಪುರಾಂತ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 95/6ರಲ್ಲಿ ವಿಸ್ತೀರ್ಣ 03 ಎಕರೆ 37 ಗುಂಟೆ ಜಮೀನು ಮತ್ತು ಸರ್ವೆ ನಂ. 95/7ರಲ್ಲಿ ವಿಸ್ತೀರ್ಣ 03 ಎಕರೆ 00 ಗುಂಟೆ ಜಮೀನು ಹೀಗೆ ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 06 ಎಕರೆ 37 ಗುಂಟೆ ಪ್ರದೇಶದಲ್ಲಿ ಲೇಔಟ್ ಮಂಜೂರಾತಿ ನೀಡಲಾಗಿರುತ್ತದೆ. ಈ ವಿನ್ಯಾಸದಲ್ಲಿ ಬರುವ ಉದ್ಯಾನವನ/ಬಯಲು ಜಾಗೆ ಮತ್ತು ನಾಗರಿಕ ಸೌಲಭ್ಯ ಹಾಗೂ ರಸ್ತೆ ಜಾಗೆಯನ್ನು ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗೆ ಉಚಿತವಾಗಿ ವಹಿಸಿಕೊಡಬೇಕಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಕೆಳಕಂಡ ಜಾಗವನ್ನು ಯಾವುದೇ ಪರಿಹಾರವನ್ನು ನೀಡದೆ ಪೌರಾಯುಕ್ತರು, ಪುರಸಭೆ, ಬಸವಕಲ್ಯಾಣ ಇವರ ಪರವಾಗಿ ನೋಂದಾಯಿಸಿಕೊಳ್ಳಲು ಕೋರಲಾಗಿದೆ.....".

The Appellants/Complainants, either during the course of arguments or in their reply have not denied the averments made in Annexure-R4. They have not denied that the signatures found in this document do not belong to them or they have not handed over any portion of land to the CMC, Basavakalyana in formation of layout in the lands bearing Survey No. 95/6 & 95/7 of Tripurantha Village. When such prima-facie evidence is placed before this Authority, and when the Appellants/Complainants have admitted that they have handed over certain portion of land in favour of CMC, Basavakalyana for public purpose without any protest, their contention that the land in Survey No. 95/6 & 95/7 do not fall within the jurisdiction of CMC, Basavakalyana holds no water. Hence, cannot be accepted.

28) Apart from that, the Respondent No. 1 has submitted that they have estimated for electrification to the newly residential layouts under UG cable as per KERC regulations, is not controverted by the Appellants/Complainants. In this regard, I would like to peruse the regulations in 3.2.1 & 3.2.1(vi) which reads as follows:-

*Fourth Amendment to KERC (Recovery of Expenditure for supply of Electricity) Regulations, 2004.
Notification No. Y/01/4 dated 24th August, 2007*

<i>Sl. No.</i>	<i>Clause No.</i>	<i>Contents of Regulation (Existing)</i>	<i>Contents of Regulation (Proposed)</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<i>1</i>	<i>3.2.1</i>	<i>Nil</i>	<p><i>3.2.1(vi)</i> <i>The developer shall use Aerial Bunched Cables for 11KV and LT lines in the new layouts developed in the following places: -</i></p> <p style="text-align: center;"><u>BESCOM :</u> <i>Bruhat Bengaluru Mahanagara Palike area.</i></p> <p style="text-align: center;"><u>CESC :</u> <i>City Municipal Corporation area of Mysore</i></p> <p style="text-align: center;"><u>GESCOM :</u></p> <ol style="list-style-type: none"> <i>1) Municipal Corporation area of Gulbarga</i> <i>2) Yadgir TMC area.</i> <i>3) Shahabad CMC area.</i> <i>4) Bidar CMC area.</i> <i>5) Basavaklyan TMC area.</i> <i>6) Raichur CMC area.</i> <i>7) Sindhanur TMC area.</i> <i>8) Koppal CMC area.</i> <i>9) Gangavathi CMC area.</i>

<p>10) Hospet CMC area. 11) Bellary CMC.</p> <p style="text-align: center;"><u>HESCOM :</u></p> <p>1) Municipal Corporation area of Hubli-Dharwad 2) Municipal Corporation area of Belgaum. 3) Bijapur CMC area. 4) Gadag-Betgeri CMC area.</p> <p style="text-align: center;"><u>MESCOM :</u></p> <p>Municipal Corporation area of Mangalore.</p>
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**KERC (Recovery of Expenditure for supply of Electricity)
(Ninth Amendment) Regulations, 2017.
No. KERC/D/3/17-18, Bengaluru, dated 27.12.2017**

Sl. No.	Column – 1 Clause No:	Column – 2 Regulation as existing	Column – 3 Regulation as amended / inserted
(4)	3.2.1	In the case of layouts approved by the competent authority except improvement /augmentation works in the station and/or works of strengthening of the distribution main, the developer shall execute at his cost the electric line/plant such as extension of works including extension of 11 kV line/UG Cable/AB cable, mounting structure for distribution transformer, etc., and shall deposit with the licensee the cost of distribution transformer and allied materials/equipment required to be installed in the layout as per the estimate prepared at	In the case of layouts approved by the competent authority except improvement/augmentation works in the station and/or works of strengthening of the distribution main, the developer shall execute at his cost the electric line/plant such as extension of 11 kV line/UG Cable, LT lines/ UG cable, mounting structure for distribution transformer, etc., and shall deposit with the licensee the cost of distribution transformer and allied materials/equipment required to be installed in the layout as per the

		<i>the prevailing schedule of rates by the licensee separately under Deposit Contribution Head. The criteria for assessment of load in a layout shall be as follows:</i>	<i>estimate prepared at the prevailing schedule of rated by the licensee separately under Deposit Contribution Head. The criteria for assessment of load in a layout shall be as follows:</i>
(5)	3.2.1(vi)	<i>The developer shall use Aerial Bunched Cable/UG Cable for 11 KV and LT lines in the new layouts developed in the following places:</i>	<i>The developer shall use UG Cable for 11 KV and LT lines in the new layouts developed in the following places: -</i>

Under these facts and circumstances of the case, as per the documents produced by the parties, particularly Annexure-R4, the admissions made by the Appellants/Complainants and as per the regulations made by the KERC detailed herein supra, I am of the opinion that, the orders passed by the CGRF, Bidar in case No. 10/2019 dated 16.02.2022 is in accordance with law. Therefore, the interference of this Authority is not warranted. With this I answer Point No. 1 in Negative.

29) **Point No. 2:** - As per the discussions made herein above in Point No. 1. I proceed to pass the following order: -

O R D E R

No. OMB/G/G-487/2022/D-166

Dated: 29-12-2022

The appeal filed by the Appellants/Complainants under Section 42(6) of Electricity Act, 2003 & KERC (Consumer Grievance Redressal Forum & Ombudsman) Regulations 2004 is hereby dismissed.

The order passed by the CGRF, Bidar dated 16.02.2022 in case No. 10/2019, order No. CGRF/BDR/12 is hereby confirmed.

The office is directed to comply the provisions laid down in Regulation 22.7 of KERC (Consumer Grievance Redressal Forum & Ombudsman), Regulations 2004.

**Sd/-
(R. Sharada)
Electricity Ombudsman.**

Copy to: -

- 1) Sri Gyan Reddy S/o Gunda Reddy & Sri Vithal Reddy Slo Gunda Reddy, Both residing at Thripuranth Village, Basavakalyan Taluk, Bidar District.
- 2) Sri Sudhir Kumar, Advocate, Nyay Prateek Law Chambers, No. 8, Krishna Complex, Nagarbhavi, 2nd Stage, Bengaluru - 560072.

- 3) The Assistant Executive Engineer (Ele),
O & M Sub-division, GESCOM,
Basavakalyan.
- 4) The Executive Engineer (Ele),
O & M Sub-division, GESCOM,
Humnabad.
- 5) The Chief Engineer (Ele),
O & M Zone, GESCOM,
Kalaburagi.
- 6) The Chairperson, Consumer Grievance Redressal Forum/(CGRF),
O & M Circle, GESCOM,
Bidar – 585401.
- 7) PS to Hon'ble Chairman, KERC
- 8) PS to Hon'ble Member (M), KERC
- 9) PS to Hon'ble Member (R), KERC
- 10) PA to Secretary, KERC.