

BEFORE THE ELECTRICITY OMBUDSMAN

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

Present: S.S Pattanashetti,
Electricity Ombudsman,

Case No. OMB/B/G-318/2019

Dated 17/07/2019

In the matter of

Sri K. Gangabyrappa,
54, M.S Ramaiah Enclave,
1st Main, 1st Cross, Nagasandra Post,
Bengaluru-560073. -

Appellant

Vs

1) Consumer Grievance Redressal Forum,
Bangalore Urban District, BESCOM,
Bangalore.

2) The Assistant Executive Engineer (Electrical),
O & M N-04 Sub-Division, BESCOM,
No. 488, 14th Cross Road,
4th Phase, Peenya 2nd Stage,
Bangalore-560058. -

Respondents

1. This Application/Complaint is filed by Sri K. Gangabyrappa (Appellant/Complainant), under the provisions of Clause 21.2 of the KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations 2004, in Form 'B' challenging the order Case No. CGRF 41/2016-17/(29-08-2016) 4974-77 dated 15-12-2018 of CGRF, Bangalore Urban District, BESCOM West Circle, Basaveswaranagar, Bengaluru-560079, before this Authority, by inter-alia seeking the following reliefs:

- a) To set aside the CGRF order; and
 - b) To issue direction to pay Rs 1,60,000/- + interest up to date.
2. Brief facts, which are relevant to the case as claimed by the Appellant, are as follows:
- a) The Appellant/Complainant has applied to BESCOM in the prescribed format on 10-10-2014 for sanction of additional load of 16.6 K.W electricity to his building. It is further stated the concerned BESCOM sub-division officials have taken more than one and half years to send the proposal to the Superintending Engineer, Bangalore North Circle for getting approval. In pursuance to this, the Superintending Engineer has made an estimation of Rs 10,00,000/- towards infrastructure fee and also directed the concerned BESCOM officials to execute the power supply under self-execution scheme.
 - b) It is further stated that the Appellant has approached BESCOM authorities on several occasions by seeking concession as provided under KERC Regulations 30.8 for existing installation of electricity to the layout/premises, as he had taken power connection of 6.88 KWs in 2002.
 - c) It is further stated, after due consideration of the request, work order for Rs 1,82,800/- has been issued towards infrastructure charges and directed the Appellant to deposit the amount and the same has been complied and service has been availed by the Appellant.
 - d) It is further stated that as per the KERC Notification dated 25-08-2014, where additional loads are requisitioned for existing installation and additional of such loads makes the total load to be less than 25 K.W but the addition of built up area makes the total

- built up area (existing + additional built up area) to be more than 500 square meters, in such cases, one time payment of Rs 20,800/- towards cost of electric line/plant shall be collected from the Applicant. The licensee shall not collect any further amount from the Applicant even if the Applicant requisitions for additional loads, subsequently upto a total load of less than 25 KW.
- e) In pursuance to this, the Appellant has filed complaint before the CGRF to reimburse the excess amount collected, and it is alleged that the CGRF-Bangalore has failed to take suitable action to reimburse the excess amount collected from the Appellant even after lapse of more than one and half years after applying the request application for reimbursement. Therefore, the Appellant prayed before this Authority to issue direction to the concerned authorities for reimbursement of excess amount collected.
3. Both the parties were informed vide this office letter No. OMB/B/G-318/2019/D-1195 dated 05-02-2019, regarding availability of provisions in Sub-Regulation 1 of Regulation 20 of KERC (CGRF & Ombudsman) Regulations, 2004 for settlement through conciliation and mediation and to appear before this Authority on 19/02/2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 19/02/2019, 26/02/2019, 28/02/2019, 27/03/2019, 22/04/2019 & 08/05/2019.
4. Heard both the parties. In the parawise replies filed by the Respondent on 28-02-2019, it is stated that as per the work order issued by the Superintending Engineer (Ele.) BESCO, Bangalore Circle on 16-11-2015, additional load of 11.56 K.W was provided

to the additionally constructed floors of the existing building of the Appellant, and the total constructed plinth area of the building is 922 Sq. Mtrs., for which the Appellant has paid Rs 1,82,800/- towards infrastructure fee as per the amended KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 dated 25th August 2014. In pursuance to this there is no question of reimbursing the excess amount of Rs 1,60,000/- as claimed by the Appellant and the work has been carried out as per the work order dated 16-11-2015 issued by the Superintending Engineer (Elec.) BESCOM, and service has been provided as per the Amended KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 dated 25th August 2014 and therefore prayed that the appeal of the Appellant may be dismissed.

5. After careful examination of the documents filed and submissions made by the contesting parties, the issues arising for consideration are:

(a) Whether the Respondent collected excess infrastructure fees from the Appellant;

(b) If yes, what is the amount to be refunded?

My findings to the above issues are

(a) In the negative.

(b) In the negative.

6. The Appellant/Complainant has approached the Respondent seeking additional load of 11.56 KWs power for his newly constructed floors of the existing building. The existing building had ground floor of 291 sq. mtrs plinth area with the existing power load of 6.44 KWs. The Appellant/Complainant constructed additional three (3) floors

and for these floors he was seeking additional installations with 11.56 KW load. Initially, the Respondent made an estimate of Rs 8,40,000/- and intimated the Appellant/Complainant to execute the power supply under self-execution scheme. When the Appellant /Complainant filed his objection to the claim of the Respondent of Rs 8,40,000/-the same was reduced to Rs 1,82,800/-. The work was executed and the power connection was also given to building of the Appellant/Complainant. The Appellant/Complainant submitted before the Respondent that there is a provision in KERC for collection of infrastructure fee of nominal Rs 20,800/- for one time payment. Hence the Appellant/Complainant requested for refund of excess collected infrastructure fee of Rs 1,60,000/-.

7. The existing building of the Appellant/Complainant with built up plinth area of 291 Sq.mtrs. had an existing power supply load of 6.44 KW. The Appellant/Complainant constructed additional floors to this existing building totaling plinth area of 631 sq. mtrs. and applied for additional load of 11.56 KWs. Thus the total load requirement of the Appellant/Complainant came to 18 KWs and the total built up area of the building came to 922 sq. mtrs. By providing additional load to the Appellant/Complainant's premises, the Respondent has classified the premises as a multi-storeyed building as per KERC Regulations. On 25-08-2014 KERC issued 7th Amendment of clause 3.1.7 Note (1)(B) vide Notification No. KERC/CoS/D/13/14-15. The said provisions state as follows:

“Where additional loads are requisitioned for existing installations and addition of such loads make the total load to be less than 35 KW, but the addition of built up area makes the total built up area (existing+ additional built up area) to be more than 800 square meters, in such cases, one time payment of Rs 1,70,800/- towards cost of electric line/plant shall be collected from the Applicant. The Licensee shall not collect any further amount from the Applicant even if the Applicant requisitions for additional loads subsequently up to a total load (existing+ additional) of less than 35 KW.

In addition to the above Rs. 1,000/- per KW shall be collected in Bruhath Bangalore Mahanagara Palike Area and BDA Areas towards HT/LT UG Cable/ABC system for the additional requisitioned load only.”

8. As per the provisions of the existing amended Regulations, the Respondent has collected Rs 1,70,800/- towards cost of electric line/plant and BBMP/BDA additional charges of Rs 1,000/- per K.W x 11.56 KW i.e., 12 KWs (Rs 1,000 x 12= Rs. 12,000/-). Collection of Rs 1,82,800/- from the Appellant/Complainant is perfectly in accordance with the existing amended Regulations issued on 25-08-2014. Hence the Respondent has not collected any excess infrastructure fees from the Appellant/Complainant and the question of refund of Rs. 1,60,000/- to the Appellant/ Complainant does not arise.
9. In view of the foregoing discussions, I proceed to pass the following order.

O R D E R

The Appeal filed by Appellant/Complainant is dismissed.

Sd/-
(S.S Pattanashetti)
Electricity Ombudsman.

- 1) Sri K. Gangabyrappa,
54, M.S Ramaiah Enclave,
1st Main, 1st Cross, Nagasandra Post,
Bengaluru-560073.
- 2) The Assistant Executive Engineer (Electrical),
O & M N-04 Sub-Division, BESCOM,
No. 488,14th Cross Road,
4th Stage, Peenya 2nd Stage,
Bangalore-560058.
- 3) The Chairperson, CGRF/Superintending Engineer,
Bangalore Urban District, BESCOM,
C.A Site No.05, West of Chord Road,
3rd Stage, Bhima Jyothi, HBCS Layout,
Next to Chord Road Hospital,
Basaveshwarnagar, Bengaluru-560079.
- 4) PS to Hon'ble Chairman, KERC
- 5) PS to Hon'ble Member (M), KERC
- 6) PS to Hon'ble Member (R), KERC
- 7) PS to Secretary, KERC.
- 8) Chairperson of all CGRFs in the State.

