

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/C/G-336/2019

Dated 23/07/2019

In the matter of

Smt. Roopashree B.R.
W/o Bhojappa,
Kasthuri Thota Layout,
Bittagowdanahalli village,
Kasaba Hobli,
Hassan-573201. -

Appellant

Vs

Superintending Engineer (Ele.),
O & M Circle, CESC,
Chairperson, CGRF,
Hassan District,
Santhepete, B.M Road,
Hassan. -

Respondent

1. This Application/Complaint is filed by Smt. Roopashree B.R W/o Bhojappa, (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 dated 16-04-2019 of CGRF, CESC, Hassan District, before this Authority, by inter-alia seeking the following reliefs:
 - a) To set aside the CGRF order dated 16-04-2019;
 - b) To provide power supply to the newly constructed house.

2. Brief facts, which are relevant to the case as claimed by the Appellant, are as follows:
 - a) The Appellant/Complainant has filed an application with CESC, Hassan for sanction of permanent power supply from temporary power connection provided to her newly constructed house. It is further stated that CESC authorities informed that power supply connection cannot be provided.
 - b) Aggrieved by the order passed by the CGRF, CESC, Hassan District, the Appellant/Complainant has filed this Application before this Authority to redress her grievances.
3. Both the parties were informed vide this office letter No. OMB/C/G-336/2019/D-1270 dated 02-05-2019, 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 17/05/2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 17/05/2019, 17-06-2019, 28-06-2019 and 18-07-2019.
4. The Superintending Engineer (El.) CESC, Hassan District, Hassan in his written submission filed on 18-07-2019, has submitted that the developer of the layout has not created any electrical infrastructure to the said layout. During 2010, 2011 & 2012, some of the residential owners of the said layout, got power supply connection by obtaining no objection certificate from the Grama Panchayath. At that time, they have hidden the fact that it is an approved layout. On perusal of the documents of subsequent applications it is revealed that this layout was approved by Hassan Urban

Development Authority. It is the responsibility of the developer to provide electrical infrastructure to the Approved layouts. But, in the instant case, the developer Mr. B.V Murthy, has not made any development of infrastructure. Not aware of these facts, some of the residential owners of the said layout have constructed houses and registered applications with CESC for providing power supply. Due to financial burden, it has not been possible for CESC to provide power supply from the nearby transformers. As per KERC Regulations, if the developer does not create electrical infrastructure, in such circumstances, development charges can be collected and power supply be given. Due to non-availability of C.A sites for putting up transformers it has not been possible for CESC to provide power supply. The owners of the existing buildings and sites in the layout are likely to object for putting up transformers in front of their house/site. Hence, it has been difficult for CESC to consider the applications of Shri Chinnappa and Smt. Roopashree B.R and other applications, and provide power connection. It is finally submitted that if the site owners of the layout come to an understanding regarding providing places for installation of transformers, and provide the same, and also if KERC approves the Petition of CESC for enhancement of development charges it will be possible for CESC to consider and take action on the applications of not only Kasturi Thota Layout, but also other such old and problems related layouts.

5. The provisions of Clause 3.2.3 (ii) of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 are applicable to the case on hand. Extract of the provisions of clause 3.2.3 (ii) is reproduced here below:

“In case of layouts where there is a default on the part of the developer and where the developer has not laid the electric line/plant within the layout, the Distribution Licensee shall recover expenditure towards electric line/plant as follows:

- i) For sites coming in the areas of Bangalore Mahanagara palike, B.D.A and its agglomeration area and also in the areas of city corporation and its agglomeration areas of Mysore, Mangalore, Hubli, Gulbarga and Belgaum.
 - a) For sites having dimension of 1200 sq.ft & less, Rs 4,000/- per KW of requisitioned load subject to a minimum of Rs 4,000/- per site.
 - b) For sites having dimension of more than 1200 sq.ft, Rs 4,000/- per KW of requisitioned load subject to a minimum of Rs 12,000/- per site.
- ii) For sites coming in other urban areas within the Town limits identified by local/development authority, Rs. 4,000/- per KW of requisitioned load per site subject to a minimum of Rs 4,000/- per site”.

6. The Respondent/Superintending Engineer (Ele.) in his submission dated 18-07-2019 has said that if KERC approves the proposal of CESC for enhancement of development charges it will be possible for CESC to consider the applications of the Appellant.

7. Chamundeshwari Electricity Supply Company (CESC) has submitted a petition to KERC for amendment of clause 3.2.3 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004. In the proposed amendment they have sought for an increase in Recovery of Expenditure towards electric line/plant as follows:

| Sl. No. | Description | As existing | Amendment sought |
|---------|--|---|---|
| 1 | For sites coming in the areas of Bangalore Mahanagarapalike, B.D.A and its agglomeration area and also in the areas of city corporation and its agglomeration areas of Mysore, Mangalore, Hubli, Gulbarga and Belgaum. | | |
| | a) For sites having dimension of 1200 sq.ft and less | Rs 4,000/- per KW subject to a min. of Rs. 4,000/- per site. | Rs 8,000/- per KW subject to a minimum of Rs 8,000/- per site. |
| | b) For sites having dimension of more than 1200 sq.ft | Rs 4,000/- per KW subject to a min. of Rs. 12,000/- per site. | Rs 8,000/- per KW subject to a minimum of Rs 24,000/- per site. |
| 2 | For sites coming in other urban areas other than the town limits identified by local/development authority. | Rs 4,000/- per KW subject to a min. of Rs. 4,000/- per site. | Rs 8,000/- per KW subject to a minimum of Rs 8,000/- per site. |
| 3 | For sites coming beyond the town limits in the layout other than those referred in Sub-clause 3.2.3(i) & (ii) | Rs 3,000/- per KW subject to a min. of Rs. 3,000/- per site. | Rs 6,000/- per KW subject to a minimum of Rs 6,000/- per site. |
| 4 | For sites coming outside the village limits, outside Town Panchayat limits, revenue sites. Stray sites etc., situated in other than abandoned layouts. | Rs 3,000/- per KW subject to a min. of Rs. 3,000/- per site. | Rs 6,000/- per KW subject to a minimum of Rs 6,000/- per site. |

8. The Petition is pending before the KERC for orders. It would not be correct on the part of this authority to issue directions to the licensee when their proposal for amendment to the KERC (Recovery of Expenditure for Supply of Electricity) Regulations,2004 is pending. It is learnt that the proposal is at the stage of calling for objections on the proposed enhancement of collection of development charges.
9. In view of the above discussions the following order:

No. OMB/C/G-336/2019/D-1330

Dated 23-07-2019

O R D E R

The Respondent is directed to give power connection to the building of the Appellant, immediately after the KERC passes an order on the Petition filed by the licensee.

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

- 1) Smt. Roopashree B.R
W/o Bhojappa,
Kasthuri Thota Layout,
Bittagowdanahalli village,
Kasaba Hobli,
Hassan-573201.
- 2) The Chairperson, CGRF/
Superintending Engineer, (Ele.)
O & M Circle, CESC,
Santhepete, B.M Road,
Hassan-573201.
- 3) PS to Hon'ble Chairman, KERC
- 4) PS to Hon'ble Member (M), KERC
- 5) PS to Hon'ble Member (R), KERC
- 6) PS to Secretary, KERC
- 7) Chairperson of all CGRFs in the State.

