

**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-361/2019**

**Dated 23/09/2019**

In the matter of

Sri K.C Shamanna,  
S/o Channegowda,  
Karle Village & Post,  
Kattaya (Hobli),  
Hassan Taluk & Dist. -

Appellant

Vs

1) Consumer Grievance Redressal Forum,  
Hassan District, CESC,  
Hassan.

2) The Assistant Executive Engineer (Electrical),  
O & M Urban Sub-Division, CESC,  
Hassan. -

Respondents

1) This Application/Complaint is filed by Sri K.C Shamanna S/o Channegowda, (Appellant/Complainant), before this Authority, under the provisions of Clause 21.2 of the KERC (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2004 in Form 'B' challenging the order bearing No. ಸಿ.ಜಿ.ಆರ್.ಎಫ್/ಹಾ/ಸಿ-05/2019-20/2327-3 dated 12-07-2019 of CGRF, CESC, Hassan District, by inter-alia seeking to provide power supply under Sub Clause No.3.1.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations,2004 to his residential Property.

- 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 on 12-01-2018 with the AEE Urban Sub-Division CESC, Hassan under Sub Clause No.3.1.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 for providing power supply to his newly constructed house situated at Chikkahonnenahalli Grama, Haralahalli Gram Panchayath, Hassan Tq: & Dist, and the same has been registered on 25-01-2018. The said building has been constructed after obtaining necessary prior approvals from all the competent authorities and the total built up area of the building is 560.00 Sq. meters.
  - b) It is further stated that AEE Urban Sub-Division CESC, Hassan informed him that with effect from 01-02-2018 Sub clause 3.1.3(A) (New) of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2017 has come in to force, and further informed him to follow the new Regulations, with regard to supply of power to his building.
  - c) It is further stated that there is no space available in his premises for erection of distribution line and transformer. It is stated that Panchayath Development Officer (PDO) Haralahalli Gram Panchayath has registered the details of his newly constructed house in the property register and it has been recorded that the constructed area of the building is 603.87 sq. meters. The said record is equivalent to occupation certificate and an application has been filed on 12.01.2018 seeking power supply to the building and the same

has been registered on 25.01.2018. A request was made by the Appellant/Complainant vide letter dated 30.11.2018 to E.E.(Ele) O & M Division, Hassan, to provide power supply as per clause 3.1.1. of K.E.R.C(Recovery of Expenditure for Supply of Electricity) Regulations, 2004 without taking in to consideration clause 3.1.3(A)(New), as his application for power supply was filed before the coming into force of 9<sup>th</sup> Amendment of K.E.R.C(Recovery of Expenditure for Supply of Electricity) Regulations, 2017 i.e 01.02.2018. After perusing his application, the Superintending Engineer (Ele.) CESC, Circle Office, Hassan vide letter bearing No. 796-97 dated 10-05-2019 directed the Executive Engineer, O & M Division, Hassan to take action as per Sub Clause No.3.1.3(A) (New) of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2017 in the present case, as electrical approval was not given before 01.02.2018 as required under KERC 9<sup>th</sup> Amendment foot note 3(a) and 3(b).

- d) It is further stated that the Assistant Executive Engineer (Ele.) Urban Sub-Division, CESC, Hassan on 22-05-2019 has given an endorsement that it is not possible to consider providing power connection as per Sub Clause No.3.1.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 because power supply has not been sanctioned prior to 01-02-2018. Challenging the endorsement given by Assistant Executive Engineer (Ele.) Urban Sub-Division, CESC, Hassan, the Appellant/Complainant has filed a complaint before the CGRF, Hassan District. The CGRF Hassan District on 12-07-2019 has ordered that the endorsement issued by Assistant Executive

Engineer (Ele.) Urban Sub-Division, CESC, Hassan is in order and thereby dismissed the Appeal.

- 3) Aggrieved by the order passed by the CGRF, CESC, Hassan District, the Appellant/Complainant has filed this Application before this Authority to redress his grievance and to consider his application under Sub Clause No.3.1.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 as he has applied for power supply installation on 12-01-2018, i.e before 01.02.2018.
- 4) Both the parties were informed vide this office letter No. OMB/C/G-361/2019/D-1331 dated 02-08-2019, regarding availability of provision 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 28/08/2019. However, they have not availed the benefit of the said provision. The case was listed for hearing on 28/08/2019.
- 5) In the parawise replies filed by the Respondent-2/AEE on 28-08-2019, it is submitted that the Appellant/ Complainant has filed an application on 12-01-2018 under Sub Clause No.3.1.1 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2004 for providing power supply for residential purpose and the same has been registered on 25-01-2018. The total built up area of the building is 603.81 sq. meters. Subclause No 3.1.3. (A)(New) of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2017 has come into force w.e.f 01.02.2018, and the Appellant/Complainant was asked to follow the newly introduced Regulations. There is no adequate space available in the premises of

the Appellant/ Complainant, for installation of the transformer. As per the directions issued by the S.E and E.E, an endorsement was issued to the Appellant/ Complainant stating that, as power sanction was not communicated before 01.02.2018 in terms of KERC (Recovery of Expenditure for Supply of Electricity) (Ninth Amendment) Regulations, 2017 foot note 3(a) and 3(b) it will not be possible to provide power supply. CGRF, Hassan District, also in their order dated 12.07.2019 has upheld the endorsement issued by AEE Hassan, and ordered that as per sub clause 3.1.1 it will not be possible to provide power connection.

- 6) After careful and anxious consideration of Appeal memo, documents and submissions made by both the parties and the arguments put forth by them, the point arising for consideration before this authority is whether the CGRF was right in asking the Appellant/Complainant to provide adequate space for installation of transformer, for providing power supply to the residential building of the Appellant/Complainant, as per subclause No 3.1.3.(A)(New) of KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2017.

My finding to the above point is in the affirmative.

### **Reasons**

KERC (Recovery of Expenditure for Supply of Electricity), Regulations, 2004 was notified in the Karnataka gazette on 16.12.2004. The Appellant/Complainant filed an application on 12.01.2018 in the office of the Respondent-2/AEE under 3.1.1 of KERC (Recovery of expenditure for supply of electricity) Regulation, 2004 for providing power supply to his newly

constructed house. The same has been registered in the office 25.01.2018. The KERC (Recovery of Expenditure for Supply of Electricity) Regulation, 2017 has come into force with effect from 01.02.2018. As per this amended regulation clause 3.1.3(A) “In the case of new buildings where the requisitioned load is 25 KW or more but less than 35 KW or built up area of the building exceeds 500 sq. mtrs but is less than 800 sq mtrs, the applicant shall provide the required space at free of cost in his premises for erection of distribution line and transformer and associated equipment at its cost by the licensee”.

It is an undisputed fact that the Appellant/Complainant has filed his application for sanction of power supply to his newly constructed residential building on 12.01.2018 & the same has been registered on 25.01.2018. With the coming into force of the KERC (Recovery of Expenditure for Supply of Electricity) Regulations, 2017 the new regulations apply to the case of the Appellant/Complainant. Foot note 3(a) clearly states that all applications for supply of electricity registered prior to 01.02.2018 and for which power sanction is yet to be communicated as on the date of coming into force of these regulations, shall be processed as per the said amended regulations. The facts of the case of the Appellant/Complainant squarely fall in to this category. The application of the Appellant/Complainant is dated 12.01.2018 i.e prior to 01.02.2018, power sanction was yet to be communicated as on the date of coming into force of the regulations i.e. 01.02.2018. Due to these reasons the application of the Appellant/Complainant has to be processed as per the amended regulations only. Hence the CGRF was right in asking the

Appellant/Complainant to provide adequate space for installation of transformer, for providing power supply to the residential building for the Appellant/Complainant, as required under the amended provisions.

- 7) Even though the application of the Appellant/Complainant for power supply was before the coming in to force of KERC(Recovery of Expenditure for Supply of Electricity) Regulations, 2017 the fact that power sanction was not communicated to him, as on the date of coming into force of the regulations, makes it mandatory for the Licensee to process the application of the Appellant/Complainant as per the amended regulations in view of foot note 3(a) 3(b).

Hence the following order.

No. OMB/C/G-361/2019/D-1359

Dated: 23.09.2019

ORDER

The Appeal filed by the Appellant/Complainant is rejected.

Sd/-

(S.S Pattanashetti)  
Electricity Ombudsman.

- 1) Sri K.C Shamanna  
S/O Channegowda,  
Karle village & Post,  
Kattaya (Hobli),  
Hassan Tq. & Dist-573120
  
- 2) The Assistance Executive Engineer (Elec)  
City Sub-division ,  
CESC, Santhepete,  
B.M Raod ,Hassan-573201
  
- 3) Consumer Grievance Redressal Forum,  
Hassan District, CESC,  
Hassan.
  
- 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.



