

**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-391/2020**  
**Dated 03/03/2020**

In the matter of

Sri Beeralingegowda S/o. Beeregowda,  
Shivanahalli Village,  
Kodihalli Post,  
Belur Taluk,  
Hassan-573125.

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Appellant

Vs

- 1) The Assistant Executive Engineer (Electrical),  
O & M Banavara Sub-division, CESC,  
B.H. Road,  
Banavara-573112,  
Arasikere Taluk,  
Hassan District.
- 2) Chairperson, Consumer Grievance Redressal Forum/(CGRF)  
Hassan District,  
Superintending Engineer (Ele),  
O & M Circle, CESC,  
Hassan District-573201.

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Respondents

- 1) This Appeal/Complaint is filed before this Authority, by Sri Beeralingegowda S/o, Beeregowda, (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 No. ಸಿ.ಜಿ.ಆರ್.ಎಫ್/ಹಾಸನ/2019-20/6792-805,

dated 10-01-2020 of CGRF, Hassan District, by inter-alia seeking the following reliefs:

- a. To set aside the CGRF order dated 10.01.2020.
  - b. To provide permanent power supply to the newly constructed house.
- 2) Brief facts, which are relevant to the case on hand, as claimed by the Appellant/Complainant are as follows:
- 3) The Appellant/Complainant has constructed a new house in site No. 18 purchased by him on 03-07-2014, in Bommagodananhalli Village of Javagal Hobli, Arasikere Taluk of Hassan District in the layout alienated and approved by the competent authorities. After completion of construction of the house the Appellant/Complainant applied for sanction of permanent power supply vide Application No. L-735/23.03.2018 to the Junior Engineer of the Licensee CESC. The Junior Engineer after inspection of the house has given an endorsement dated 01-10-2018 to the Appellant/Complainant stating that the layout in which the house has been constructed has not been electrified by the developer of the layout. As per Electricity Supply and Condition Section 3.2.1 it is the developer of the layout who has to provide electrification to the layout. As per CESC regulations after the electrification is done in the layout the Appellant/Complainant can apply to CESC for providing power connection to his house. Challenging this endorsement, the Appellant/Complainant filed a complaint before the CGRF Hassan District. The CGRF Hassan District in their order dated 10-01-2020 has ordered that the stand taken by the local officers is correct and as per rules and regulations. The

Appellant/Complainant challenging the order of the CGRF Hassan District has filed the present appeal/complaint before this authority.

- 4) Both the parties were informed vide this office letter No. OMB/C/G-391/2020/D-1425 dated 04-02-2020, regarding availability of provision of 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 19-02-2020. However, they have not availed the benefit of the said provision. The case was listed for hearing on 19-02-2020 and 26-02-2020.
- 5) The Appellant/Complainant who was present at the time of hearing on 19-02-2020 said that the layout has been formed in 2011. In the year 2014 CESC has given power connection to the son of the developer who has constructed a house in Site No. 10 of the layout. Only he has been denied power supply by the Respondents.
- 6) The Respondent-1/AEE has filed his submissions on 26-02-2020 at the time of hearing. He has stated that the layout is developed in Survey No. 49/3 and approved by competent authority on 01-08-2011. As per KERC Regulation 3.2 the developer of the layout has to provide all electrical infrastructure at his own cost. The developer of this layout has not registered any application with CESC for electrification of layout on self-execution scheme. Presently the GPA holder, Sri Yogeesh J R S/o. late J S Rammanna is residing in Javagal Village (J S Rammanna was the owner and developer of the layout). Based on the above said points an endorsement was given by the Section Officer, AEE and Executive Engineer mentioning that the power supply to the applicant will be arranged after development of all necessary electrical infrastructure by the layout developer at his own cost. The same subject

was presented before the CGRF Hassan District on 11-12-2019 and order has been passed mentioning the decision taken by the CESC officers as per Regulations 3.2 and 10 is in accordance with regulations. The developer has sold many sites and making profit out of that. But he has not come forward for providing infrastructure for that layout by registering an application with CESC. He is intentionally denying to provide infrastructure.

- 7) The present appeal/complaint is filed requesting for permanent power sanction to the newly constructed house of the Appellant/Complainant alienated and approved by the competent authorities, but abandoned by the developer of the layout. The provisions regarding giving power sanction to houses constructed in approved layouts, but abandoned by the developer is contained in Clause 3.2.3 of KERC (Recovery of Expenditure for Supply of Electricity) Regulations 2004, wherein certain amount was fixed to be recovered from the consumer towards electric line/plant. The Chamundeshwari Electricity Supply Corporation Limited (CESC) Mysore and Bangalore Electricity Supply Company Limited (BESCOM) had filed petitions before KERC requesting for amendment of Clause 3.2.3 stating that **“the costs to be recovered as prescribed in Clause 3.2.3 of the KERC (RoE) Regulations, 2004, towards development of infrastructure in the 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 layout are derived based on the schedule of rates (SR) prevailed in the year 2004 and are not revised till date. There has been a substantial increase in the cost of infrastructure materials since then. The underpriced cost as per these Regulations are causing**

**loss of money in recovering expenditure towards construction of electrical line/plants.”** The Hon’ble KERC in the notification dated 01-01-2020 which is gazzeted on 23-01-2020 has amended the Clause 3.2.3 revising the infrastructure development charges to be collected from the consumers. At the time of hearing the Appellant/Complainant stated that he is ready to pay the infrastructure development charges prescribed by the KERC in the Notification dated 01-01-2020 for taking power supply to his newly constructed house.

8) In view of the foregoing paras the following order: -

**No. OMB/C/G-391/2020/D-1442**

**Dated 03-03-2020**

**O R D E R**

The Respondent-1/AEE to provide power supply to the newly constructed house of the Appellant/Complainant after collecting the infrastructure development charges prescribed by the KERC as per KERC (Recovery of Expenditure for Supply of Electricity) (10<sup>th</sup> Amendment) Regulations 2020 dated 01-01-2020 issued in the gazette dated 23-01-2020.

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

- 1) Sri Beeralingegowda S/o. Beeregowda,  
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Hassan District-573201.
  
- 4) PS to Hon'ble Chairman, KERC
- 5) PS to Hon'ble Member (M), KERC
- 6) PS to Hon'ble Member (R), KERC
- 7) PA to Secretary, KERC.
- 8) Chairperson of all CGRF's in the State.