

**Before the Ombudsman
Karnataka Electricity Regulatory Commission
Bangalore
Present: Shaik Ahmed
Ombudsman
Case No.OMB/M/G-100/2011/9731
Dated 03.03.2011**

Between

Sri Vittal Moily,
"Soundarya"
Pragathiinagar,
Kadabettu,
Bannanje Road,
UDUPI-576101

.. **Complainant**

Vs

1. Mangalore Electricity Supply Company Ltd., (MESCOM)
represented by its
Assistant Executive Engineer (Ele),
O & M City Sub Division,
UDUPI-576101

2. The Consumer Grievance Redressal Forum, (CGRF)
MESCOM Corporate Office,
Paradigm Plaza, A.B.Shetty Circle,
MANGALORE

.. **Respondents**

1. The Complainant has filed this Petition against the Order No. 111/2010/UDUPI/REG. passed by the 2nd Respondent on 11.06.2010. The case of the Complainant is that the 1st Respondent has collected a sum of Rs.12,000/- from him on 17.10.2002 towards Development Fee for supply of electricity to his house situated within the Municipal Area of Mooda Nidambur in Udupi Taluk. He contends that the action of the 1st Respondent for collecting the Development Fee of Rs.12,000/- is illegal as no such fee was levied on adjacent consumers. He, therefore, had sought a direction to the 1st Respondent from the 2nd Respondent to refund the amount. The 2nd

Respondent, after examining the case, has rejected the petition of the Complainant on the ground that the action of the 1st Respondent to levy the Development Fee of Rs.12,000/- is in accordance with the Regulations specified by the Karnataka Electricity Regulatory Commission (KERC).

2. Aggrieved by the Order passed by the 2nd Respondent, the Complainant has filed this Complaint. The Complainant was requested to appear before me on 14.02.2011 to produce documents/evidence in support of his claim. In reply to the Notice, he has expressed his inability to attend the hearing and has requested to pass order based on the material already submitted by him.

3. I have heard the 1st Respondent on 14.02.2011. He has stated that the plot on which the Complainant has put up the building is one of the 13 plots formed in Survey No.93/3J of Mooda Nidambur of Udupi Taluk. These plots are not formed by the competent Municipality / Planning Authority. Hence, all these plots have been treated as unauthorized layout and Development Fee of Rs.12,000/- as per Clause 3.2.3 of the KERC (Recovery of Expenditure for Supply of Electricity) Regulations 2004 have been levied. He has further stated that the Supply Company has built High Tension lines and provided a transformer (63 KV) after spending huge money to supply electricity to all the buildings including the premises of the Complainant constructed in Survey No.93/3J. He, therefore, has prayed to reject the petition of the Complainant as the levy of Development Fee is in accordance with law.

4. I have examined the documents submitted by the Complainant. He has not furnished any document to support that his plot in Survey No.93/3 in Mooda Nidambur of Udupi Taluk has been formed by the competent Urban Local Body / Planning Authority. The developer who has developed sites in the above said Survey Number has not provided electrical lines / infrastructure to supply electricity. The Supply Company viz., MESCOM has provided the electrical lines / transformer by spending huge amounts. Therefore, the levy of Development Fee is in accordance with Clause 3.2.3(iii) of the KERC (Recovery of Expenditure for Supply of Electricity) Regulations 2004. Hence, I do

not see any reason to interfere with the Order passed by the 2nd Respondent.
Therefore, I pass the following order:

ORDER

In the circumstances stated above, the Complaint filed by the Complainant is rejected.

(Shaik Ahmed)
Ombudsman

1. Sri Vittal Moily. "Soundarya" Pragathinagar, Kadabettu, Bannanje Road, Udupi-576101
2. Consumer Grievance Redressal Forum, MESCOM, Paradigm Plaza, A.B.Shetty Circle, Mangalore.
3. The Asst.Executive Engineer(Ele), O & M City Sub Division, MESCOM, Udupi-576101.
4. The Managing Director, MESCOM, Paradigm Plaza, A.B.Shetty Circle, Mangalore.
5. PS to Hon.Chairman, KERC
6. PS to Hon.Member(H), KERC
7. PS to Hon.Member(S), KERC
8. PS to Secretary, KERC
9. OCA