



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

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ಸರ್ಕಾರದ ಆಯಾ ಇಲಾಖೆಗಳ ಮುಖ್ಯಸ್ಥರ ಮತ್ತು ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರಿಗಳಿಗೆ
ಸಂಬಂಧಿಸಿದ ಅಧಿಸೂಚನೆಗಳು

KARNATAKA ELECTRICITY REGULATORY COMMISSION

No. 16 C-1, Miller Tank Bed Area, Vasanth Nagar, Bengaluru- 560 052

NOTIFICATION

No: KERC/CoS/Tech/01/DDD/22-23/399, dated 01.07.2022

Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka
(CoS) (Tenth Amendment) 2022.

Preamble

The Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka (CoS) were notified in the Karnataka Gazette on 17th June, 2006, and subsequently Nine (9) amendments were issued from time to time.

The Additional Chief Secretary, Commerce and Industries Department, GoK, vide D.O. Letter No: KUM/DD-7/295/2021-22 dated: 12.01.2022 requested Additional Chief Secretary Energy to propose for the amendment of KERC Regulations for exempting the Industries from producing the Occupancy Certificate (OC), while availing the electricity connection.

The Additional Chief Secretary, Energy Department, GoK, vide letter No: ENERGY/148/VSC/2022 dated:30.3.2022 has requested the Commission to verify under prevailing Rules and Act to provide the electricity connection for both residential and commercial buildings without insisting for Occupancy Certificate (OC), as approved by the GoK and recommendations made in the Proceedings of the meeting of the Urban Development Department held on 24.01.2022

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regarding Occupancy Certificate and for providing power supply for buildings within BBMP limits.

In this regard, the Commission directed the Energy Department, GoK to follow the procedure for amendment of Conditions of Supply.

Further, Karnataka Small Scale Industries Association (KASSIA) vide its letter No: KASSIA/KERC/2022/10383 dated:04.04.2022 requested the Hon'ble Chief Minister of Karnataka, to exempt the industries from providing Occupancy Certificate for obtaining the electricity supply connection.

Accordingly, Bangalore Electricity Supply Company Ltd., (BESCOM), has filed a Petition vide OP 11 / 2022 and MESCOM & other ESCOMs have filed a Petition vide OP No 12 / 2022 before the Commission under Clause 46 of the CoS, read with Clause 11 of the KERC (General and Conduct of Proceedings), Regulations, 2000 for deletion of the Clauses 8.11, 9.07(4) and 4.10(6) (C) of CoS in respect of OC.

The ESCOMs in their Petitions have stated the following:

Monitoring the requirement of OC is the responsibility of the concerned authorities such as Municipal Corporations and the Respondent Urban Development Department and the onus of ensuring that the applicants possess occupancy certificate cannot be thrust upon the distribution licensees in the presence of Authorities that are responsible to monitor the same.

Section 43 of the Electricity Act, 2003, specifies that, it is the duty of the distribution licensee to supply electricity to the premises within one month of receipt of application requiring supply of electricity. The said Section further contemplates penalizing the distribution licensees, if they fail to supply electricity. Furthermore, Section 44 creates an exception to the duty to supply electricity, only if the distribution licensee is prevented from doing so on account of storms, cyclones or occurrences beyond its control. Wherefore, it is clear that the Electricity Act, 2003 creates a right in favour of the Applicants in availing electricity as a matter of right and creates a universal supply obligation on the distribution licensee.

It is stated that, creating an obligation to produce the OC to avail supply of electricity defeats the very purpose of the Section 43 and Section 44 of the Act. It is the duty of distribution licensee to ensure that electricity is supplied on request and not to insist on the production of OC, for the purpose of granting permanent electricity connection.

It is further submitted that the State of Karnataka is a power surplus state, due to this, demand falls short of supply of power, which results in large amount of stranded capacity in the State. When the demand falls short of supply, the SLDC (State Load Dispatch Centre) ought to give backdown instructions to the power plants to decrease the generation and injection of power into the grid to ensure grid safety and security.

In case the requirement of OC is dispensed with, the ESCOMs will be in a position to service a large number of consumers and thus supply a larger quantity of power. This will enable ESCOMs to use more energy from all its contracted generators and help in mitigating the backdown instructions to the thermal stations.

Although, the said instructions by SLDC are given in the interest of grid security, the ESCOMs have to pay the conventional generators, fixed charges even for the energy that is not drawn, as the ESCOMs have entered into several power purchase agreements. The distribution companies have entered into long term PPAs with several thermal stations, which results in unavoidable payment of fixed charges which would consequentially increase the tariff for the exiting consumers.

The above can be avoided by balancing the demand and supply of power. As power supply is not granted to new consumers for want of OC, the demand in the State has further come down. If the requirement of OC is dispensed with, the energy industry in the state will be benefited as the ESCOMs will not have to incur losses on account of payment of fixed charges due to backing down of thermal stations, as a result, such losses will not be passed onto to the consumers.

In conclusion, the ESCOMs have stated that the proposed amendments to CoS will benefit the consumers at large, the ESCOMs and also the generators in the state.

The Commission after hearing the Petitions filed by the ESCOMs, has decided to hold public consultation.

Considering the above, the draft Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka (CoS) (Tenth Amendment) 2022 were notified on 12.05.2022 vide Notification No. KERC/01/DDD/22-23/167 inviting comments / views / suggestions / objections from the stakeholders, general public and interested persons, on or before 30th May 2022. The draft Amendments were also hosted on the Commission's website www.karunadu.karnataka.gov.in/kerc and published in the newspapers for the information of public/interested persons.

The Commission received comments/suggestions/views/objections from the stakeholders. The Commission has also held a 'Public Hearing' on 23.06.2022 in the matter.

The gist of the rival contentions made out from the comments / suggestions/views/objections received from the stakeholders and the submissions made by them in the public hearing may be stated as follows:

Several stakeholders insisted for removal of the production of 'Occupancy Certificate' for service connections, contended that it was for the concerned Municipal Authority to enforce the provisions of the Municipalities/Corporation Act, and the bye-laws framed thereunder against the unauthorized constructions or deviation of Sanctioned Plan and the same was not within the domain of the Electricity Act. Further, they contended that denial of electricity supply to an occupant of a building would amount to denial of essential service to such occupants. According to them, electricity is an essential commodity which cannot be refused on the ground of non-production of 'Occupancy Certificate'. On the other hand, some of the stakeholders insisting for retaining of the provisions for production of the 'Occupancy Certificate' for service connection, contended that removal of such provision would lead to construction of buildings in rampant violation of the building by-laws, thereby it would encourage them to violate the provisions of law.

The Commission is of the view that there is a universal obligation on the part of the Distribution Licensees to supply electricity on request, by the owner or occupier of any premises on such terms & conditions as stipulated in the relevant provisions of the Electricity Act, 2003 and the Regulations framed thereunder. For curbing the construction of unauthorized buildings, the concerned local bodies will have to take action under the respective enactments. The Electricity Act and the Regulations cannot be used for curbing violations under other laws. For curbing such activities, the concerned officials have to take proper actions as provided under different enactments. Providing an essential service to the consumer is more essential, as obligated under the Electricity Act 2003.

The Commission has carefully considered the comments/views/suggestions/objections received from the stakeholders and in order to comply with the duty to supply electricity under Section 43 of the Electricity Act, 2003 read with Clause 46 of CoS (Removal of Difficulty), has decided to amend the Conditions of Supply suitably.

Now, therefore, in exercise of the powers conferred by Section 16 of Electricity Act, 2003(Central Act No. 36 of 2003), the Clause 46 of CoS and all powers in that behalf the Karnataka Electricity Regulatory Commission hereby makes the following amendments to clauses 9.07(4), 8.11 and

4.10(6)(C) of the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka (CoS), 2006:

1. Tittle and commencement. –

- a. This may be called as the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka (CoS) (Tenth Amendment), 2022.
- b. It shall come into force from the date of its publication in the Official Gazette of the Karnataka State and all pending applications for supply /additional supply of electricity for which power sanction is communicated /work order issued shall be processed as per these amended conditions of Supply (CoS) without insisting for fresh applications.
- c. It shall apply to all the Licensees engaged in the business of distribution of electricity and the consumers of electricity in the State of Karnataka.

II. In the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka, the existing Clause mentioned in the Column -2 of the table below shall be substituted by the Clause mentioned in the Column -3, namely, -

Sl No.	Column 1 Clause No.	Column 2 As existing	Column 3 As amended / Inserted
(1)	9.07 (4)	The Applicant shall furnish the Occupancy Certificate from the Competent Authority, before commencement of supply of electricity including to any additional floors or additional built-up area to an existing building/complex. Explanation: For the purpose of this Sub-Clause, Occupancy Certificate means, the Occupancy Certificate, or such other certificate by whatever name called, issued by authority permitting occupation of any building, as provided under local laws, which has provision for civic infrastructure such as water, sanitation and electricity.	Deleted
(2)	8.11	The servicing of the installation of the Applicant shall be carried out on production of the copy of the Occupancy Certificate, the approval of his installation by the Electrical inspectorate and also "Test and Commissioning Certificate" of the equipment installed as required by the Licensee. Explanation: The Occupancy Certificate means, the occupancy certificate, or such other certificate, by whatever name called, issued by the competent authority, permitting occupation of the building, as provided under local laws, which has provision for infrastructure such as water, sanitation and electricity and further such occupancy certificate shall also be furnished for servicing of any additional floors or additional built-up area to the existing building.	The servicing of the installation of the Applicant shall be carried out on production of the copy of the approval of his installation by the Electrical Inspectorate and also "Test and Commissioning Certificate" of the equipment installed as required by the Licensee.

(3)	4.10	<p>CRITERIA FOR ARRANGING POWER SUPPLY UNDER EASE OF DOING BUSINESS (EODB);</p> <ol style="list-style-type: none"> 1. xxx 2. xxx 3. xxx 4. xxx 5. xxx <p>6. The Applicant shall mandatorily furnish the following documents while seeking power supply under EODB;</p> <ol style="list-style-type: none"> a) Proof of identity, b) Proof of ownership, c) Occupancy Certificate, <ol style="list-style-type: none"> 7. xxx 8. xxx 9. xxx 	<p>CRITERIA FOR ARRANGING POWER SUPPLY UNDER EASE OF DOING BUSINESS (EODB);</p> <ol style="list-style-type: none"> 1. xxx 2. xxx 3. xxx 4. xxx 5. xxx <p>6. The Applicant shall mandatorily furnish the following documents while seeking power supply under EODB;</p> <ol style="list-style-type: none"> a) Proof of identity, b) Proof of ownership, <ol style="list-style-type: none"> 7. xxx 8. xxx 9. xxx
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By the Order of the Commission

Secretary
Karnataka Electricity Regulatory Commission

PD-85

IN THE COURT OF THE XXXIX ADDL. C.M.M.BANGALORE

It is hereby notified to the public, In Rajajinagar Police Station Bangalore city have seized following vehicles as unclaimed and such vehicles are lying in the police station as unclaimed so far. Hence the owners of the properties and vehicles may put their claim two month from the date of this publication.

By order of the Court

Rajajinagar PS CIMSS No. 2996/2022, 2997/2022 PF No. 44/2022 & PF No. 45/2022

The list of unclaimed vehicles as mentioned below.

Sl. No	CIMISS NO.	PF NO.	Vehicle number	Engine Number	Chasis No
1	2996/2022	45/2022	UP15V7159	98L17E01175	9849101242
2	2996/2022	45/2022	KA01EQ4076	DJJBTC06994	MD2DHJZZTCC74063
3	2996/2022	45/2022	KA27R4530	KC1BVA7GL04935	KE1BEA7G04966
4	2996/202	45/2022	KA18EA6582	1GC1105590	ME11GC011E2105862
5	2997/2022	44/2022	KA02EB9293	-----	-----