

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL 2015

BEFORE

THE HON'BLE MR. JUSTICE H.G.RAMESH

WRIT PETITION NO.5055/2015 (GM-CPC)

BETWEEN:

M/S. NACON ENGINEERS AND BUILDERS
NO.75/3/2, 8TH MAIN ROAD
3RD BLOCK, JAYANAGAR
BANGALORE – 560 011
REPRESENTED BY ITS PROPRIETOR
NAZEER AHMED
AGED ABOUT 54 YEARS

... PETITIONER

(BY SRI L.M.CHIDANANDAYYA, ADVOCATE)

AND:

1. CHIEF ELECTRICAL INSPECTORATE
GOVERNMENT OF KARNATAKA
DEPARTMENT OF ENERGY
NO.32/1-2, 2ND FLOOR, CRESCENT TOWER
CRESCENT ROAD, BANGALORE – 560 001
2. DEPUTY ELECTRICAL INSPECTORATE
REPRESENTED BY GOVERNMENT OF KARNATAKA
DEPARTMENT OF ENERGY
BANGALORE NORTH CIRCLE
NO.2/3 & 2/4, ARAGINIBHAVANA
1ST FLOOR, DR. RAJKUMAR ROAD
RAJAJINAGAR, BANGALORE – 560 010
3. BANGALORE ELECTRICITY SUPPLY CO.LTD.
REPRESENTED BY ITS CHAIRMAN &
MANAGING DIRECTOR
CAUVERY BHAVAN, K.G.ROAD
BANGALORE – 560 001

4. THE ASSISTANT EXECUTIVE ENGINEER (ELE)
N5, SUB DIVISION, BESCOM
PEENYA, BANGALORE – 560 058
5. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD
KUMARA PARK WEST
BANGALORE – 560 023
6. GOVERNMENT OF KARNATAKA
DEPARTMENT OF ENERGY (AMENDED AS PER
REPRESENTED BY ITS SECRETARY ORDER DATED
VIDHANA SOUDHA 16.2.2015)
BANGALORE – 560 001 ... RESPONDENTS

(BY SRI E.S.INDIRESH, HCGP FOR R1, R2 & R6;
SMT. A.D.VIJAYA, ADVOCATE FOR R5;
SRI B.RUDRAGOWDA, ADVOCATE FOR R3 & R4)

WP FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS OF
ORDER PASSED VIDE ANNEXURE-A DTD. 21.02.2014 REF
NO.MVP/AMVP/VP-3/SVP-3/47553-54 ISSUED BY R1 TO KEEP
THE SANCTION OF PERMANENT POWER SUPPLY IN ABEYANCE &
ORDER DTD.31.1.2015 REF. NO.AEE/N5/AE(T)/619 ISSUED BY
R-4 VIDE ANNEXURE-B TO DISCONNECT THE ELECTRICITY
SUPPLY CONNECTION RESPECTIVELY ETC.

WP COMING ON FOR PRELIMINARY HEARING IN 'B'
GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

H.G.RAMESH, J. (Oral):

1. In this writ petition, the petitioner is challenging the
endorsement dated 21.02.2014 (Annexure-A) issued by the
Chief Electrical Inspector deferring issuance of *approval*
contemplated under Condition No.4.07 of *Conditions of*

Supply of Electricity of the Distribution Licensees in the State of Karnataka on the ground that he has not received any information from the Bangalore Development Authority as to the genuineness of the sanctioned building plan. Condition No.4.07 reads as follows:

"4.07 APPROVAL OF CONSUMER'S INSTALLATIONS

- i) Before any wiring or apparatus of the Applicant, including transformers, switch gear etc, are connected to the Licensee's distribution system, the same shall be subjected to the inspection and approval of the Engineer and no connection shall be made without such approval. In addition, all EHT and HT installations shall have to be approved by the Chief Electrical Inspector, Government of Karnataka or any other officer authorized by him on this behalf. Testing of HT/EHT installations shall however be taken up by the Engineer only after receipt of certificate of inspection of installation issued by Chief Electrical Inspector. The detailed test procedure for LT/HT/EHT installations is as narrated under Clause 4.07.
- ii) The Engineer shall notify the Applicant in writing under acknowledgement, the details of any of the defects noticed by him at the spot on the date of inspection.
- iii) In such cases power supply shall commence only when the defects in the installation are rectified and wiring is done in accordance with the completion and test report and installation complies with the other Conditions of Clause 4.09 and relevant Rules."

2. Learned HCGP appearing for respondent no.1 was not able to refer to any Rule, Regulation or condition which mandates the Chief Electrical Inspector to insist for production of sanctioned building plan relating to the building to which supply of Electricity is sought.

3. Counsel appearing for the petitioner submits that the sanctioned building plan has already been furnished to BESCOM and BESCOM in turn has sanctioned the power supply as per their revised sanction letter dated 2.9.2013 (Annexure-P4) subject to several conditions, *inter alia* subject to obtaining approval from the Electrical Inspector as per rules, as could be seen from condition No.6 therein. It is relevant to state that condition No.9 in the said letter also states that BESCOM has reserved its right to cancel the sanction, if it finds that the sanctioned plan produced is unauthorised or fake.

4. As no Rule, Regulation or Condition is referred to by the learned HCGP, wherein the Chief Electrical Inspector is empowered to again scrutiny the validity or genuineness of the sanctioned building plan, in my opinion, the Chief Electrical Inspector is not justified in deferring consideration of grant of *approval*.

5. In view of the above, the endorsement dated 21.02.2014 (Annexure-A) issued by respondent no.1 is set

aside. The matter is remitted to respondent no.1 for reconsideration, in accordance with law, as expeditiously as possible, and in any event, within two weeks from the date of receipt of a certified copy of this order. If respondent no.1 wants to reject the approval, he shall quote the relevant legal provision under which he is rejecting the approval. Till such reconsideration, BESCOM shall provide power supply to R.R.No.HT DTP 17175, subject to payment of all legitimate charges.

Petition disposed of.

**Sd/-
JUDGE**

hkh.