NC: 2023:KHC:35211
WP No. 4253 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE R DEVDAS

WRIT PETITION NO.4253 OF 2023 (GM-RES)

BETWEEN:

MR NAVEEN NAGENDRA
UNIT NO J -1004
11TH AND 12TH FLOORS, BLOCK C
SHRIRAM SUHAANA RESIDENTIAL
APARTMENT COMPLEX
DODDABALLAUR ROAD
BENGALURU 560064
AGED ABOUT 40 YEARS

...PETITIONER

(BY SRI. NITIN PRASAD, ADVOCATE)

AND:

Digitally signed by JUANITA THEJESWINI
Location: HIGH COURT OF KARNATAKA

1. ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT
ENERGY DEPARTMENT
GOVT OF KARNATAKA
ROOM NO 236, 2ND FLOOR
VIKASA SOUDHA
DR B R AMBEDKAR VEEDHI
BENGALURU 560001

2. BENGALURU ELECRICITY SUPPLY
COMPANY LIMITED (BESCOM),
CORPORATE OFFICE, K R CIRCLE
BENGALURU 560001

REPRESENTED HEREIN BY
ITS MANAGING DIRECTOR

3. SHRIRAM SUHAANA APARTMENTS
OWNERS ASSOCIATION
SHRIRAM SUHAANA
DODDABALLAPUR ROAD
YELAHANKA
BANGALORE 560064
REPRESENTED BY ITS PRESIDENT
MR VELU ARUMUGAM

4. GOVERNMENT OF KARNATAKA
REP BY PRINCIPAL SECRETARY
URBAN DEVELOPMENT DEPARTMENT
ROOM NO 436, 2ND FLOOR
VIKASA SOUDA
DR B R AMBEDKAR VEEDHI
BENGALURU 560001

…RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA FOR R1 & R4
SMT. SWARNINI G MOHANAMBAL, ADVOCATE FOR R2
SRI. RAMACHANDAR DESU, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE R-1, 2 AND 4 TO CONSIDER THE PETITIONERS REPRESENTATION DATED 19/12/2022 (ANNEXURE-M) AND TO TAKE EXPEDITIOUS ACTION TO ISSUE APPROPRIATE GUIDELINES/REGULATIONS/AMENDMENTS TO PROVIDE FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING SOCKETS IN INDIVIDUAL PRIVATE PARKING SLOTS OF APARTMENT COMPLEXES AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

R.DEVDAS J., (ORAL):

The petitioner who is a owner of the residential apartment in the complex known as Shriram Suhaana Apartment, is before this court in the matter of having a dedicated electrical charging line for a electric vehicle.

2. Statement of objections has been filed at the hands of the respondent No.3 - Apartment owners Association. Learned counsel for respondent No.3 submits that the apartment complex consists of 10 towers and in some cases the car parking slots of the owners are not situated in the same tower. The Association has also found that if request comes from all the individual apartment owners to have a dedicated electrical line for charging the electric vehicle, the lines may criss-cross and there would be some serious danger not only to the building but also to the residents. However the learned counsel would also submit that the managing committee of the association is considering the request made by the petitioner.

3. Learned counsel for the petitioner has filed I.A.No.1/2023 along with certain documents which includes the communication dated 03.08.2023 issued by the Chief General Manager (Operations) BESCOM. Learned counsel points out from the FAQs on the Electric Vehicle Charging Station that the BESCOM has clearly stated in clause-11 that there is no need for the persons seeking to install individual charging points in their residence to obtain a NOC from the BESCOM.

4. Learned counsel for the respondent BESCOM has also furnished a copy of the notification dated 22.10.2019 issued by the Karnataka Electricity Regulatory Commission bringing about an amendment to clause 9 of the Conditions of Supply of Electricity of Distribution Licensees in the State of Karnataka, 2006 wherein clause 9A has been inserted. Learned counsel would submit that the said clause would require that the promoter/occupier of the multistoried building having a load of more than 250 kw or more or built up area being more than 5000 sq.

mtrs, to install not less than two number of charging points within the premises. In this regard, learned counsel for respondent No.3 submits that steps have already been taken to provide for a common charging point which would comply with the said requirements in clause 9A. The learned counsel for respondent No.3 would further submit that having regard to the apprehension of the association that if permission is given to all the individual apartment owners to have their own dedicated charging lines, it would cause serious problems, the association has decided to provide the common charging points as stated herein above, which would meet the requirement of the petitioner.

5. However, learned counsel for the petitioner submits that in a apartment having more than 500 to 600 families, a common charging point for charging 5 or 6 vehicles at a time will not meet the requirement of many such owners. Therefore, it is submitted that the petitioner

should be permitted to have his own dedicated charging point in the parking area belonging to the petitioner.

6. Having heard the learned counsel for the petitioner, learned counsel for respondent No.3 association and the learned counsel for the respondent BESCOM, this court is of the considered opinion that in terms of the communication issued by the BESCOM on 03.08.2023 which answers all the 'frequently asked questions', it is clear that there is no need for an owner of a residential apartment or an individual house to seek NOC from BESCOM for providing charging unit. However, the apprehension of the 3rd respondent Association is also required to be taken into consideration. In a residential complex having about 100 residential apartments in one tower, if a dedicated charging station is permitted to be drawn by all the apartment owners, there may be some serious concerns which are required to be addressed. In that view of the matter, this Court is of the considered opinion that the respondent No.3 association may taken

the advice of the experts in the field which may also consult the competent authority or officers from BESCOM before proceeding to give permission to the individual apartment owners to have their dedicated electrical charging station in the car parking area. But, it is made clear that the petitioner is entitled to have a dedicated line, subject to working out the modalities.

7. The writ petition is accordingly ***disposed of*** with a specific direction to the 3rd respondent association to consult the experts in the matter of giving permission to individual apartment owners like the petitioner to have their own dedicated charging station in the car parking area and thereafter proceed if the experts are the opinion that permission can be granted while following the requirement of law and guidelines issued by the BESCOM and Regulatory authority.

8. Needless to observe that if the petitioner is also willing to get the experts to sit along with the association

and decide as to whether the request made by the petitioner could be considered and allotted, he may do so. The petitioner may also participate in the consultation process that the 3rd respondent association would do along with the expert. The 3rd respondent shall ensure that advise of the experts are taken as expeditiously as possible and at any rate within a period of four weeks from the date of receipt of copy of this order to enable the petitioner to have a dedicated electrical charging station.

Ordered accordingly.

Sd/-
JUDGE

KLY
CT: JL