

**OFFICE OF THE ELECTRICITY OMBUDSMAN**

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

(Phone-cum-Fax No.: 011-41009285)

**Appeal No. 02/2022**

(Against the CGRF-BYPL's order dated 15.11.2021 in Complaint No. 110/2021)

**IN THE MATTER OF**

**Shri Rajkumar**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

**Appellant: Shri Rajkumar**

**Respondent: Shri K. Jagatheesh, Sr. Manager and Ms. Ritu Gupta,  
Advocate, on behalf of BYPL**

**Date of Hearing: 20.04.2022**

**Date of Order: 21.04.2022**

**ORDER**

1. The appeal No. 02/2022 has been filed by Shri Rajkumar on behalf of his brothers, namely; Shri Ashok Kumar and Shri Kuldeep Kumar, R/o C-120 C, New Ashok Nagar, Delhi - 110096, against the order of the Forum (CGRF-BYPL) dated 15.09.2021 passed in Complaint No. 110/2021.

2. The issue concerned in the Appellant's grievance is regarding compensation on account of delayed release of new electricity connections by the Discom (Respondent) on the second floor and third floor of the above cited premises.

3. The background of this appeal is that the Appellant had applied for new domestic electricity connections vide Request No. 008005019287 and 008005018100 for second and third floor respectively on 04.08.2021 at the



above said premises. The same were rejected by the Discom on the grounds that there are outstanding dues in the name of Shri Yogesh Sharma and Smt. Moha Devi of Rs.4,29,000/- and Rs.22,477/- respectively since 2008.

The Appellant approached the Respondent and showed the proof of chain of property owners and told that the address mentioned on the bills is Part of C 120, whereas his address is C-120 C, Khasra No. 282. As such these bills do not pertain to him. He has also stated that there are ten (10) houses of the same address of Part of C 120. The Appellant further stated that in whose names (Shri Yogesh Sharma and Smt. Moha Devi) these outstanding dues were showed never resided on this address.

In reply, the Respondent asked him to submit an undertaking mentioning therein "if in future, it is proved that these dues belong to him, he will pay the dues", which he had rejected and filed a complaint before the CGRF on 15.09.2021.

The Appellant further stated that during pendency of the case in CGRF, the Respondent sent a demand-note dated 26.10.2021 through e-mail for release of connections without giving any undertaking. The Appellant further stated that the work which has to be completed in one week has taken three months, for which he was in shock and suffered mental agony and prayed for compensation of Rs.20.00 lakhs and termination of the concerned officials immediately.

4. The Respondent before the CGRF stated that they had resolved the case and issued the demand-note for new connections. This is not the case of new electricity connections but of additional electricity connections as the premises in issue was already electrified through two electricity connections in the name of Late Smt. Phoola Devi (mother of the Appellant). But the complainant stated that he is not satisfied and has lot of grievances against the Respondent. The CGRF directed him to file all the submissions before this Forum and the complainant submitted his complaint in which he asked for compensation for mental and physical harassment by the Respondent.

5. After considering all the facts, the CGRF opined that the Respondent harassed the complainant physically and mentally while forcing him to file an undertaking for payment of 'enforcement' dues. There is a negligence and



deficiency in services by not listening to the pleas of the complainant and also not considering documents submitted by him.

The CGRF also stated that the complaint of new connections has been resolved by the Respondent in the month of October, 2021 by raising the demand-note and thus is not entitled for compensation as per the DERC (Supply Code & Performance Standards) Regulations, 2017, Schedule - I (1) of Guaranteed Standards of Performance and Compensation to consumers in case of default). But, as Sub-Regulation (2) of Regulation 76 of DERC's Supply Code, 2017, which is narrated below"

*"Any person who is affected by the failure of Licensee to meet the standards of performance specified herein and who seeks to claim compensation shall file his claim with such a Licensee within a maximum period of 60 (sixty) days from the time such a person is affected by such failure of the Licensee to meet the standards of performance:*

*Provided that the Licensee shall compensate the affected person(s) within a maximum period of 90 (ninety) days from the date of filing his claim"*

The CGRF further stated that complainant was deprived of electricity and the Respondent harassed the complainant mentally and physically. Therefore, he is granted a compensation of Rs.1,000/- due to deficiency of services on the part of the Respondent.

6. Not satisfied with the order of the CGRF to grant compensation of Rs.1,000/-, the Appellant has filed this appeal. The Appellant has also prayed that strict action be taken against the concerned officials so that no one else suffers in future.

7. The Respondent while submitting their written statement has reiterated their earlier stand on the issue. The Respondent has also conveyed that the CGRF can grant compensation only as per the DERC's regulations and the CGRF has granted compensation without the jurisdiction. They have also mentioned in their written statement that the undertaking is taken as per practice as there were outstanding amounts against the above mentioned address, i.e. C-120.





8. On the date of hearing, i.e. 20.04.2022, both the parties submitted their contentions in detail. Relevant queries were raised and questions asked by the Advisors as well as Ombudsman, to clarify the issues further. The Respondent was also given an opportunity to clarify whether they are in a position to identify the property now so that this kind of case does not occur again. After finding a negative reply from the Respondent and also examining all the facts and circumstances of the case, I am of considered opinion that there is certain negligence and deficiency in service. Despite the fact that the Respondent has raised a demand-note and provided the required electricity connections, the fact remains that the required connections were given only after the Appellant moved the office of the CGRF and that too after a delay of more than two months. The insistence on undertaking by the Respondent was wholly unnecessary as there was no clarity whether the premises against which the outstanding were pending is same or not. Strangely enough subsequently on 26.10.2021, the Respondent issued the demand-note without insisting on this undertaking. It is very clear that there is incoordination amongst various departments of the Respondent and there is certain lack of accountability on the part of the officers. Instead, there seems to be tendency on the part of the senior functionaries of the BSES-YPL, to pass the buck and harass the customers unnecessarily. In this case also the above mentioned tendency is clearly visible on the part of the officers.

9. In view of above, I am of considered opinion that the CGRF in their order have rightly observed that the Appellant was deprived from enjoying electricity and the Respondent harassed him mentally and physically. Further, I am not convinced with the quantum of compensation given by the CGRF as per Sub-Regulation (2) of Regulation 76 of DERC Regulations, 2017, as mentioned in Point No. '5' supra. Though, the Respondent have conveyed that this case is not covered under the above section as the connections were released immediately after the demand-note, yet, I am certain that the date starts ticking once the customer has made a application for release of connection with all the relevant documents. It is for the Respondent to respond appropriately to such application. In this case, the Respondent delayed issuance of demand-note by more than two months because of incoordination on their part, so the compensation given is appropriately covered under the above sections.


I intend to enhance the compensation given to the Appellant from Rs.1,000/- to Rs.25,000/- to suitably compensate for harassment, mental agony,



etc. on the part of the Respondent, apart from the delay in releasing the connections. The compensation be adjusted against the further bills of the registered consumers.

10. I also ask the Respondent to examine section 56(2) of Electricity Act in such cases so that undue harassment is not caused to the fresh applicants for release of electricity connections. The Respondent are further advised to look into the roles of the various officers concerned in the above case like, Enforcement Officers, Revenue Recovery Group, Branch Manager and Business Manager, etc, whether they have acted appropriately to help alleviate the grievance of the consumer, in this case, the Appellant. The action taken against such officers after enquiry be shared with this office.

11. The appeal is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
21.04.2022

