

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)
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Appeal No. 14/2024

(Against the CGRF-TPDDL's order dated 15.05.2024 in C.G No. 53/2024)

IN THE MATTER OF

Shri Ajay Poddar

Vs.

Tata Power Delhi Distribution Limited (TPDDL)

Present:

Appellant: Shri Ajay Poddar, in person.

Respondent: Shri Ajay Joshi, AGM (Legal), Shri Saurav Sharma, Senior Executive, Ms Kavita Gupta, Senior Officer and Shri Naresh Singh Maurya, Asst. Manager on behalf of the TPDDL

Date of Hearing: 31.07.2024

Date of Order: 01.08.2024

ORDER

1. Appeal No. 14/2024 has been filed by Shri Ajay Poddar, R/o Jhuggi No. D-487, Near Metro Apartments, MIG DDA Flats, ITI Road, K-Block, Jahangir Puri, Delhi, 110033, against non-implementation of the CGRF-TPDDL's order dated 15.05.2024 passed in CG No. 53/2024, by the Respondent.

2. The background of the case is that the Appellant had applied twice for release of new electricity connection vide Request No. 2032961025 dated 20.02.2023 and Request No. 2036157525 on 12.01.2024. The officials of the Discom visited the site on 25.01.2024, 15.02.2024 and 29.02.2024 for inspection and cancelled his request for release of new connection on the ground, "HT line clearance not available". However, the Appellant's contention was that his house is away from HT line and there was nothing between his Jhuggi's roof and the sky. Further, the Appellant stated that he had surrendered his old electricity connection bearing CA No.



60013867332 installed at the same premises, after the settlement for an amount of Rs.500/- before the 'National Lok Adalat' on 09.03.2024.

3. The Discom's stand before the Forum was that the Appellant had applied for new electricity connections vide Request No. 2036157525 on 12.01.2024 at the above said premises. The staff of Discom visited on 24.01.2024 and again on 14.02.2024 for site verification and both the time the Appellant deferred the joint site visit for the next day and on both days upon site verification, it was found that "HT line clearance is not available at the site. The applied Jhuggi has been built only upto the Ground Floor and the HT Joint/bare is passing on the right side within a distance of less than 1.2 meters. The Appellant also misbehaved at the site, claiming to be a lawyer and threatening to file a Court Case. Therefore, the connection is technically not feasible. Further, the Appellant's claim was that one connection in the name of Smt. Potan Devi (CA No. 60012101238) is near the transmission lines, whereas his premises is at a distance from it, and behind Smt. Potan Devi's premises, which was energized on 07.11.2005 for 1 KW domestic light and the circumstances under which the same was released is a matter of scrutiny.

4. Further, Discom also referred to the Regulation 11(2) (IV) of DERC (Supply Code & Performance Standards) Regulations, 2017, Clause – 63 & 65 of Central Electricity Authority (Measure relating to Safety and Electric Supply) Regulations, 2023 in respect of clearance from buildings of lines of voltage exceeding 650 Volts and erection or alteration of buildings, structures, flood banks and elevation of roads respectively. Discom also mentioned about the order dated 22.06.2018, passed by the then Ombudsman in Appeal No. 16 of 2018 in the matter of Smt. Soni Devi vs. Tata Power Delhi Distribution Ltd., emphasizing that laws legislated in the public safety cannot be violated, diluted or subordinated .

5. The Forum observed that as per the Joint Inspection Report dated 06.05.2024, the horizontal clearance is approx. 1.2 meters. As such, horizontal clearance is available. As far as vertical clearance is concerned, the same has not been taken up because of which adverse inference goes against the Respondent. The Forum concluded that the applied premises is free from safety violation and connection can be released to the complainant. The Respondent was directed to release the connection to the complainant within seven working days after ensuring the compliance of the Clause 62 & 63 of the Central Electricity Act, 2023 and also subject to fulfillment of other formalities by the consumer.



6. The Appellant filed this appeal on 03.06.2024 due to non-compliance of the CGRF-TPDDL's order dated 15.05.2024 by the Discom. The Appellant submitted that the same staff (Shri Manoj Kumar) visited the premises on 18.05.2024 again and threatened him that they would not let the electric connection be installed without gratification, otherwise they will force him to pay someone else's outstanding bills as per order from his Senior Managers. The Appellant's prayer before this Court is to direct the Respondent to provide/install the new electricity connection at the earliest.

7. The Discom, in its written submission dated 21.06.2024, submitted that on the direction of the CGRF vide its order dated 15.05.2024, during the process of the application, they observed some discrepancies in the applied address which were brought to the notice of the Appellant, and he was asked to submit an Indemnity Bond along with payment of dues on the premises so that further processing of the application could be carried out. The Appellant, instead of fulfilling the formalities, approached the Electricity Ombudsman. The Respondent further submitted that they never asked the Appellant to make the payment of the huge outstanding bill at any point in time. On the contrary, the Discom opted for the way which is more appropriate, that is, to submit an Indemnity Bond and clearance of outstanding dues of a minuscule amount of Rs. 191/-. As such, the Appellant's apprehensions are baseless, and the allegations against the officers are an attempt to avoid addressing discrepancies in the applied address. The respondent vehemently denied any accusation of illegal gratification, stating as baseless and without substance.

Regarding outstanding dues of Rs. 21,918/- against electricity connection bearing CA No. 60012845651 and Rs.191/- against CA No. 60001908163, these connections were installed in the name of Shri Mustafa at Jhuggi No. 487, Index No. 20, Block-K-2, Jahanagirpuri and Shri Narender at Jhuggi No. 487 (Index No. 755), Block -K, Jahangirpuri, respectively. Both the connections were disconnected, and the meters removed on 24.09.2010 and 23.09.2011, respectively.

Moreover, in all the documents submitted by the Appellant, the address shown is Shri Ajay Poddar, S/o, Shri Mahender Poddar, Jhuggi No. D-487, ITI Road, K-Block, Metro Apartments in front of DDA Flats, Jahangirpuri, Delhi – 110033. The Appellant is required to clarify his position with regard to applied address and since all circumstances related to outstanding dues on the premises are generated by himself by altering the address on his own whims such as has been done by adding 'Right Portion' in his address, therefore, for his own wrongful acts he cannot hold the officers of the Respondent liable and level false allegation against them.



8. The appeal was admitted and fixed for hearing on 31.07.2024. During the hearing, the Appellant was present, in person, and Respondent was represented by its Authorized Representatives. An opportunity was given to both the parties to plead their case at length

9. During the course of hearing, the Appellant made his submissions and reiterated his prayer as in the appeal. The Appellant also mentioned that he is without electricity till date on account of disconnection, due to non-payment of dues, of earlier meter on 10.06.2022, and its removal on 20.02.2023.

10. In rebuttal, Respondent submitted that in respect of premises (Jhuggi), in question, and its location, there was a doubt about the correct address which necessitated site visits. During site visits of applied Jhuggi, it was found that the address had one connection in the name of Shri Mustafa with an outstanding dues of Rs.21,918/- and another in the name of Shri Narender, at the same Jhuggi, having an outstanding dues of Rs.191/-. To resolve the issue, the Appellant was offered an option to pay Rs.191/- along with an affidavit in respect of the address. In response to a specific query by the Ombudsman and the Advisor (Law) on the factum of the Appellant staying in Jhuggi from October, 2011 till 10.06.2022 without any issue of address verification or outstanding dues, there was no satisfactory reply from the officers of the Discom.

11. This Court has gone through the appeal, written submission and heard both the parties. The relevant provisions of CEA and the Regulations were also perused very minutely and the Court is of considered opinion that:

- (i) As per Regulation 10(3)(ix) either ration card or election card is a valid proof of occupying the premises for bonafide residents of JJ Cluster.
- (ii) Applicant had a connection issued on 14.10.2011 and got disconnected on 20.02.2023, with removal of meter, at the address of Jhuggi No. D-487, Ground Floor, Opp. Metro Apartment, DDA Flats, K-Block, Jahangir Puri, Delhi, 110 033. The National Lok Adalat settled the outstanding bill on 09.03.2024 for Rs.500/- and 'NOC' was issued by the Respondent on 10.04.2024. No outstanding dues of any sort, as now claimed, were mentioned during the period from 2011 till 2023.
- (iii) Outstanding dues in respect of electricity connections in the name of Shri Narender and Shri Mustafa cannot have any bearing on the case, since the issue was never raised before the CGRF of any bills payable by the Appellant. These are old dues, when no connection existed in the name of




the Appellant. It is not in dispute that the old connection (CA No. 60013867332) in the name of the Appellant existed from October, 2011. The non-issue of any notice as well as non-reflection of the dues, as claimed by Discom, in the bills regularly would attract Section 56(2) of the Electricity Act, 2003, and the claim becomes barred by limitation.

- (iv) The Discom never objected on mis-match in address before the CGRF. While applying for the new electricity connection the Appellant added 'Right Portion' word in the address, viz; Jhuggi No. D-487, Ground Floor, Opp. Metro Apartment, MIG DDA Flat, Block- K, Jahangir Puri. Whereas, in the Aadhar Card, the document which was submitted as address proof no "right portion" word is reflected. For minor changes in address, there is no provision of submission of any Indemnity Bond, in the instant regulations. Even the pending dues asked for by the Discom is not appropriate at this stage as Discom has already issued 'NOC' on 10.04.2024. There appears merit in the allegation of harassment by the staff.

12. In view of the above discussion, this Court directs as under:

- (i) The order passed by the CGRF-TPDDL is upheld. Discom may take steps for release of the prayed connection forthwith and to submit compliance report within a week.
- (ii) An amount of Rs. 2,500/- be paid to the Appellant as compensation in the interest of justice, equity and fair play for the harassment suffered by him at the hands of the Respondent.
- (iii) CEO is also directed to hold an independent enquiry into the allegation of demand of bribe by the named staff as well as the demand raised on outstanding dues, when Discom itself issued 'NOC' on 10.04.2024.
- (iv) Action taken report be shared with this office within six weeks of receipt of this order.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
01.08.2024