

**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.: 011-26141205)

Appeal No. 20/2019

(Against the CGRF-BRPL's order dated 08.05.2019 in CG. No. 01/2019)

IN THE MATTER OF

Shri K.L. PAL

Vs.

**Present:** BSES Rajdhani Power Limited

**Appellant:** Not Present

**Respondent:** Shri S. Bhattacharjee, Manager, Shri B. Bhaskar,  
Manager, Shri Biju George, Jr. Associate and  
Shri Deepak Pathak, Advocate on behalf of BRPL

**Dates of Hearing:** 06.08.2019

**Date of Order:** 13.08.2019

ORDER

1. The appeal No. 20/2019 has been filed by Shri K.L. Pal, in respect of his electricity connection bearing CA No.101642033 installed at House No. F-1100, First Floor, Chitranjan Park, New Delhi-110019, against the CGRF-BRPL's order dated 08.05.2019 passed in CG No. 01/2019. The issue concerned in the Appellant's grievance is regarding non-reduction of sanctioned load of his domestic connection by the Discom (Respondent).

2. The background of the appeal arises from the fact that the Appellant came to know about a letter issued by the Discom on 24.05.2018 to him through which he was informed that his load could be reduced from 6 KW to 3 KW based on the four consecutive MDI readings recorded during the last year, if he gives his consent.

The Appellant submitted that in the above said letter the Discom did not specifically mention that he is required to apply in writing for acceptance of reduction of load and had they told me in this letter itself, he would have definitely applied for reduction of the sanctioned load to 3 KW. He further conveyed that Discom continued to recover fixed charges based on 6 KW until he brought it to their notice in November, 2018 and at that time he requested Discom for reduction of load to 3 KW. However, Discom denied the reduction of load to 3 KW from May, 2018 onwards, since the consent for reduction was not given in



May, 2018 by him. He further stated that he came to know only in November, 2018 that he was required to apply for reduction of load from 6 KW to 3 KW, as otherwise he was under the impression that Discom would reduce the load themselves irrespective of whether he has applied for the same or not. He also submitted that the Discom conveyed that his load now can only be reduced up to 5 KW instead of 3 KW based on the present consumption pattern and in view of the same he applied for reduction of load to 5 KW in November, 2018 under protest and simultaneously approached the Forum (CGRF-BRPL) for redressal of his grievances.

His prayer was not accepted in the Forum, hence he has preferred this appeal on the grounds that if the Discom's letter dated 24.05.2018 had specifically mentioned for a written consent to reduce the load, he would have no problem to comply the same. Further, since he was kept in the dark by the Discom, it is a communication lapse on their part for which he should not be penalized, thus has finally prayed for refund of differential amount of fixed charges and adjustment of security deposit etc. from May, 2018 onwards considering the sanctioned load as 3 KW instead of 6 KW.

3. The Discom in its reply submitted that they issued a letter dated 24.05.2018 addressed to the Appellant for revision of sanctioned load on the basis of average of four consecutive MDI readings recorded in the previous financial year from 6 KW to 3 KW. It was clearly mentioned in the letter that if the Appellant wishes to get his sanctioned load reduced to 3 KW, he may apply for load reduction by submitting a written request/consent. Since the Appellant did not submit any consent within the specified time his load was not reduced, which is as per the regulations and hence there is no lapse on the part of the Discom. However, his load was reduced to 5 KW after his consent was received in November, 2018 and, therefore, the contention of the Appellant that his load be reduced from retrospective effect and consequential benefits be accorded is bereft of any merit and cannot be accepted. Thus, the plea of the Appellant for refund of fixed charges is untenable and does not survive on legal grounds.

Regarding the automatic reduction of the load, the Discom submitted that it is applicable only for the consumers having a sanctioned load up to 5 KW and is not applicable for the loads above 5 KW and since the sanctioned load of the Appellant in the present case is 6 KW, he was not eligible for automatic reduction of load.

In view of above, it is apparent that there are no legal and factual infirmities in the order of the Forum and the present appeal deserves to be dismissed as the Appellant has no case on merit and they have acted as per law and the extant regulations.

4. The date of hearing was fixed for 06.08.2019, but the Appellant vide letter dated 31.07.2018 submitted that he is unable to attend the hearing, since he is a super senior citizen aged 84 years and suffering from various ailments, hence, requested to make the right judgement based on his appeal and further

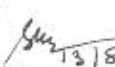


requested to order refund as per his claim for the entire period from April, 2018 to March, 2019. The Appellant was however again requested to depute his authorized representative but he informed vide his letter dated 05.08.2019 that he is not able to arrange even a representative to represent him during the hearing and the appeal may be decided on the basis of his letters and documents submitted along with his written submissions. On the due date of hearing viz, 06.08.2019, only the representatives of the Discom attended the hearing and initially reiterated the points as already submitted in their written submissions.

5. The basic issue to be decided here is, whether the Discom has acted as per regulations or is there any deficiency on their part while not reducing the load of the Appellant from 6 KW to 3 KW in May, 2018 itself. After going through the material on record and on perusal of the letter dated 24.05.2018, it is quite evident that the Appellant was required to apply for the reduction of load by submitting a written request/consent letter, since his existing load was 6 KW. Had his sanctioned load been 5 KW or less, then his load would have been reduced automatically by the Discom without any consent letter being submitted by him as per regulations. The load was subsequently reduced by the Discom in November, 2018 after the receipt of the consent letter for reduction of load from the Appellant. In view of above, it is pertinent to mention here that Discom has acted fairly as per the regulations and the contention of the Appellant that his load be reduced to 3 KW retrospectively from April, 2018 onwards cannot be accepted. Secondly, the load of the Appellant has been rightly reduced to 5 KW instead of 3 KW in November, 2018 by the Discom based on MDI readings and consumption pattern at that point of time and hence there is no lapse on the part of the Discom on any count. In view of above, no substantive case is made out for any interference with the verdict of the Forum.

However later on during the course of hearing, which was attended only by the representatives of the Discom, it was voluntarily offered by them that keeping in view of the serious ailments and advanced age of the Appellant, they have decided to allow his load to be reduced from 6 KW to 3 KW effective from 01.07.2018 onwards, as per the regulations for the year 2018-19. The fixed charges and security deposit etc. will be adjusted accordingly as per regulations and the tariff order as applicable at that time. They further conveyed that the above offer is purely on compassionate grounds and may not be taken as a precedent for any future cases.

The offer of the Discom as above is well appreciated and accepted, however the same is applicable for this case only and will not be considered as a precedent for future cases. The appeal stands disposed off accordingly.

  
(S.C. Vashishta)  
Electricity Ombudsman  
13.08.2019