

OFFICE OF THE ELECTRICITY OMBUDSMAN

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

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(Telephone No.: 011-26144979)

Appeal No.21/2019

(Against the CGRF-TPDDL's order dated 04.06.2019 in CG. No.: 50/2019)

IN THE MATTER OF

Shri Naresh Kumar Gupta

Vs.

Tata Power Delhi Distribution Ltd.

Present:

Appellant : Shri Naresh Kumar Gupta, in person, along with
Shri Dinesh Singh

Respondent: Shri Gautam Jai Prakash, Sr. Manager (Legal) along with
Shri Kundan S. Rawat, Manager, on behalf of the TPDDL

Date of Hearing: 26.08.2019

Date of Order: 28.08.2019

ORDER

1. Appeal No. 21/2019 has been filed by Shri Naresh Kumar Gupta against the CGRF-TPDDL's order dated 04.06.2019 passed in CG No. 50/2019. The issue concerned in the Appellant's grievance is regarding the withdrawal of service line-cum-development (SLD) charges raised by Discom (Respondent) on account of enhancement of load from 5 KW to 7 KW in respect of his domestic connection bearing CA No. 60008529590 installed at H.No. 2148, Rani Bagh, Shakur Basti, Delhi - 110034.

2. In the instant appeal, an electricity connection bearing CA No. 60008529590 was initially energized on 22.07.1981 in the name of Shri Satish Kumar with Non-Domestic supply category with a security deposit of Rs.300/-. Subsequently, on 04.02.2002 the said connection was transferred in the name of Shri Naresh Kumar Gupta, the Appellant, with change of category from Non-Domestic to Domestic and a fresh security of Rs. 800/- was also deposited by the Appellant. The sanctioned load of the Appellant in the said connection was enhanced from 5 KW to 7 KW with effect from 01.07.2018 by the Discom on the basis of highest of average of Maximum Demand (MDI) readings recorded as per billing cycle covering four consecutive calendar months during the financial year 2017-18 and a notice dated 03.05.2018 was issued to the Appellant for depositing differential amount of security deposit and SLD charges as per the regulations.



The Appellant has disputed only the raising of differential charges of Rs.4,000/- in respect of SLD charges on account of enhancement of load from 5 KW to 7 KW. The Appellant has prayed that the differential amount of SLD charges of Rs.4,000/- be withdrawn on the plea that some amount of service line charges must have been deposited on the said connection in the year 1981 or later on when the connection was transferred in his name and that amount should be adjusted from this amount of Rs.4,000/-. Secondly, since the service line charges must have been taken in to account while sanctioning the load of 5 KW against his said connection at the time of initial energization by Delhi Electricity Supply Undertaking (DESU), hence even if Discom is to charge differential SLD charges from him, it should be charged only for an enhanced load of 2 KW at the rate of Rs. 500/- KW as per regulations, which comes out to be Rs.1,000/- only. However, the Appellant submitted that he has no proof or receipt of service line charges deposited at the time of initial energization way back in 1981 and it is the onus of the Discom to check their accounts as to how much SLD charges are already standing in the account of his electricity connection.

After pursuing the matter with Discom, he approached CGRF wherein his submission was rejected and thus preferred this appeal for redressal of his grievance. He also countered the contention of the Discom that no service line-cum-development charges were charged at the time of energization of connection during the period in 1981, when the system was being maintained by DESU. The Appellant again reiterated and argued that if at that time DESU did not raise any service line charges for the sanctioning load of 5 KW even then he should only be charged a differential amount of Rs.1,000/- @ Rs.500/- per KW for a load enhancement of 2 KW instead of Rs. 4,000/-. In view of the above, the Appellant has finally prayed that the SLD charges as raised by the Discom be withdrawn and compensation be also awarded to him for the harassment he has suffered on account of the same.

3. The Discom's version of events is that the electricity connection bearing CA No. 60008529590 is registered in the name of Shri Naresh Kumar Gupta for a sanctioned load of 7 KW for domestic supply category. The said connection was energized initially on 22.07.1981 in the name of Shri Satish Kumar with non-domestic supply category and at that point of time a security deposit of Rs.300/- was deposited by him. Later on, the Appellant got the said connection transferred in his name on 04.02.2002 and at the same time the sanctioned category of supply was also got changed to domestic supply from non-domestic supply. A fresh security of Rs.800/- was also deposited by the Appellant but no service line charges were charged from him at that time. Further, sanctioned load of the Appellant was enhanced from 5 KW to 7 KW on 01.07.2018 on the basis of procedure prescribed in Clause 17 (4) of DERC's Supply Code 2017, on the basis of the highest of average of Maximum Demand (MDI) readings recorded as per billing cycle covering four consecutive calendar months. The Discom further submitted that since the Appellant had never paid the SLD charges against the said connection since its energization, thus he is required to make the payment of Rs. 4,000/- raised on account of SLD charges by them for upward revision of sanctioned load from 5 KW to 7 KW. They have accordingly raised a demand of Rs. 5,258/- on account of differential amount accrued in



respect of security deposit and Rs.4,000/- on account of differential SLD charges since as per records available with them no SLD charges were ever paid by the Appellant in the past.

Further, as per Discom it is also pertinent to mention here that since the sanctioned load was enhanced from 5 KW to 7 KW, thus in order to maintain quality supply of the electricity, the cable size of 2 x 25 sq. mm is mandatorily required for the electricity connections having sanctioned load between 6 KW to 10 KW, but the Appellant did not allow the Discom to change the service lipe. In view of the foregoing, the Discom contended that they have raised the aforesaid SLD charges of Rs. 4,000/- on account of load enhancement in accordance with the Clause 5(3) of Schedule of Charges prescribed by Delhi Electricity Regulatory Commission, since no SLD charges were ever paid by the Appellant in the past as per their records. However, the Appellant was communicated vide letter dated 13.06.2018 and given an opportunity to produce any documentary evidence in respect of deposit of SLD charges, if any, in the past so that the same can be adjusted accordingly, but even then the Appellant failed to produce the same. The Discom also submitted that the Appellant has opted to dispute only the levy of SLD charges and has never denied that he was in violation of the sanctioned load. The Discom further argued that the Appellant has not been able to produce any such record that he had ever deposited the said charges, though he was provided with ample opportunities to do the same and they have never denied the Appellant on any of his rightful claim, but have only asked for the documents to substantiate his claims .

Further, with regards to the claim of the Appellant that how a connection can be released without service line charges, the Discom cited the clause 8G.1 of "The Handbook of Commercial Practices" released by DESU, wherein it was provided that the service line charges for Low Tension Permanent Connections shall lay free of charge for 30 meters (100 ft.) of service line from nearest mains outside the limit of the property in respect of which requisition is made and since the connection of the Appellant was released when DESU was the competent authority, so it is quite clear that no service line charges were ever deposited by the Appellant.

In view of above submission, Discom submitted that the Appellant by means of present appeal is seeking to escape payment of the demand raised by them, which is legal, valid and is as per regulations and the present appeal is liable to be dismissed.

4. After having heard both the parties and going through the material on record, it is observed that the Discom has rightly raised the load of the Appellant from 5 KW to 7 KW after issue of a proper notice dated 03.05.2018, based on the average of the four consecutive highest MDI readings recorded during the previous year, which is as per extant regulations. The Appellant has only disputed the raising of demand of Rs. 4,000/- in respect of differential SLD charges on account of enhancement of load in the said notice supra. However, there is no dispute regarding the raising of a demand of Rs. 5,258/- on account of difiential charges accrued in respect of security deposit.



The regulations regarding raising of demand of differential SLD charges in case of enhancement of load, clearly stipulate, that the differential SLD charges shall be the difference of SLD charges computed based on total load after enhancement corresponding to the prevailing rates of SLD charges and the actual SLD charges deposited by the consumer. Since no SLD charges were ever paid by the Appellant at the time of energization of the said connection when DESU was maintaining the system or later on at any point of time during the past years, therefore, the demand of Rs. 4,000/- raised on account of differential SLD charges by the Discom is in accordance with the BERC regulations. It is pertinent to mention here that the Appellant could not provide any proof or evidence in respect of deposition of SLD charges at the time of initial energization of the connection or later on at any stage, even after an ample opportunity was provided to him, to do so, by the Discom. Secondly, when the records of the Discom are depicting the security deposited in the past by the Appellant so there is no reason to doubt the contention of Discom, that no SLD charges were ever deposited by the Appellant in the past as per their records. The Discom is still maintaining that even at any later stage if the Appellant provides the proof of having deposited the SLD charges in the past, the same will be adjusted accordingly, in future also. On careful perusal of the documents on record, it is observed that no SLD charges were raised by the Discom in 2012 also for enhancement of load and hence it is finally held that no SLD charges were ever paid by the Appellant at any point of time. Further, the Clause 8G.1 of "The Handbook of Commercial Practices released by DESU" as mentioned by the Discom in their written submission, is also indicative of the fact that no service line charges have been paid by the Appellant at the time of initial energization of the connection when DESU was maintaining the system. In view of above, the contention of the Appellant that he should only be charged @ Rs.500/- per KW for enhanced load of 2 KW is not as per the regulations and devoid of any merit and cannot be accepted.

Having taken all the material facts and deposition into account, it is held that the contention of the Appellant for withdrawal of SLD charges of Rs. 4,000/- is not in order and cannot be accepted and the issue raised by the Appellant is devoid of any merit. The Discom cannot be faulted for having raised the differential SLD charges of Rs. 4,000/- which has been carried out rightly as per the extant regulations and schedule of charges.

In view of above, no substantive case is made out for any interference with the verdict of the CGRF and the appeal is disposed off accordingly.


(S.C.Vashishta)
Electricity Ombudsman
28.08.2019