

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 No.: 011-26144979)

Appeal No. 25/2021

(Against the CGRF-BRPL's order dated 13.07.2021 in CG. No. 30/2021)

IN THE MATTER OF

Shri Vinod

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Vinod along with Shri Sanjay, brother

Respondent : Shri Amitabh Srivastava, Senior Manager, Shri S. Bhattacharjee, Sr. Manager and Shri Deepak Pathak, Advocate, on behalf of BRPL

Date of Hearing: 15.11.2021

Date of Order: 30.11.2021

ORDER

1. The Appeal No. 25/2021 has been filed by Shri Vinod against the order of the Forum (CGRF-BRPL) dated 13.07.2021 passed in CG -30/2021. The issue concerned in the Appellant's grievance is regarding non-release of new connection by the Discom (Respondent) at his premises bearing H.No. 40, Near Primary School, MCD, Rajokari, Harijan Basti, Village Rajokari, New Delhi - 110038 on account of the premises lying in the ridge area.

2. The brief background of the appeal arises from the facts that the Appellant had applied for a new electricity connection for his built-up premises at the address given above, in the month of September, 2020 but the Discom did not

release the new connection even after extensive follow-up by him with them. The Appellant stated that the Discom had granted electricity connections to number of other houses/premises in his neighbourhood, which are situated at the same place having identical location similar to his premises but his connection has not been released. He further stated that he is being denied the new connection on frivolous grounds. The Appellant also submitted a list of nearby residents who have been granted electricity connections by the Discom and has claimed that all these houses are located in the ridge area, hence were not entitled for the electricity connection. He further pleaded that his premises is not lying under the ridge area as claimed by the Discom and therefore he is entitled for the release of new connection. He challenged the claim of the Discom that the applied location falls in the ridge area, on the basis of which the new connection has been denied and further alleged that the claim of the Discom is not correct. It was a deliberate attempt on the part of the Discom to divert the attention for denial of new connection at his premises and the same does not have any logic and valid grounds whatsoever.

As the Appellant was not satisfied with the order of the CGRF, where in his plea was dismissed, hence has preferred this appeal on the grounds that he was not given the proper opportunity to defend his stand in the CGRF. The Appellant also submitted the copy of the RTI application vide which he had applied to the Deputy Conservator of Forest, seeking the information regarding the residents situated near to his premises who had been granted electricity connections by the Discom, as to whether they are lying in the ridge area or not. The copy of the reply to his RTI request seeking the above information from Deputy Conservator of Forest has also been enclosed by him along with his appeal, in order to prove that the Discom has granted electricity connections illegally to number of residents near to his premises, whereas he has been denied the same. In view of above, the Appellant has finally prayed to set aside the impugned order of the CGRF and direct the Discom to release new electricity connection to him at the applied premises without any delay.

3. The Discom in its reply submitted that all the connections are released by them as per the DERC guidelines and the Standard Operating Procedures provided by the DERC Regulations and there has been no violation of the same. The Discom further stated that after receiving the new connection request from the Appellant, a site visit was conducted to check the technical and commercial

feasibility and capture the coordinates of the applied location. After checking the site it was found that the applied location falls under the ridge area and therefore the said application for new connection was rejected for the reason "NOC from DC Revenue/Advisory Committee required". The same was also communicated to the Appellant by way of deficiency letter. The Discom also submitted that recently they have received a communication from the Forest Department regarding grant of electricity connections in the forest area of South Delhi, warning them of strict legal action in case of any violation. The copy of the letter received by them from the Forest Department was also submitted for reference and record.

The Discom further submitted that the coordinates of outer side of the applied premises were captured with the help of mobile and the same were found to be within the ridge area. All other connections released in the area since May 2019, including those mentioned in the appeal, were fairly found to be outside the ridge area as per GIS (Geographical Information System) mapping and captured coordinates. The Discom further added that all the connections released are upon their own merit and the allegation of singling out the Appellant's address and sanction of connections by fraudulent means is entirely baseless and unsubstantiated. The Discom further stated that the grant of connection is not an absolute right in favour of the consumer and is regulated and fettered by the provisions of law. The connection in the present case has been sought in the area which has been declared to be forest area by the concerned department and the concerned department has categorically directed them not to release the connection in such areas.

The Discom also submitted that the land in question falls under the ridge area on the land demarcated by the Forest Department, which is evident from the official communication received vide letter dated 04.09.2013 from DC (Forest), which clearly instructs them not to issue new electricity connections in the notified ridge land vested with Forest Department without NOC from the Department of Forest, GNCTD. The Discom further added that immediate site visit was done on 01.10.2020 by them and the application of the Appellant was rejected for the reason cited above. The site was visited on three more occasions, viz on 10.12.2020 to ascertain border-line issue, on 15.02.2021 by the Vigilance Department and later on on 19.04.2021 under compliance of the CGRF's orders only to ascertain whether the said premises fall under the ridge

area or not. Finally, a Joint Inspection was carried out by the GIS Teams and the coordinates of the site, captured are as follows (approximation of 5 to 20 mts.):

Coordinates from Outside: 28.513648, 77.116918

Coordinates from Inside: 28.513604, 77.116904

The joint inspection was done in the presence of the Appellant and it has been concluded after plotting of coordinates that the applied location does fall under the ridge area. The CGRF held discussions and at-length hearing giving adequate opportunity to the Appellant of being heard, giving him a patient hearing. It has been well documented that an additional site visit was conducted only for the satisfaction of the Appellant and our teams have acted in compliance of the CGRF's orders despite the difficulties ensuing due to pandemic times in the month of April, 2021. The hearing was done in Hindi and English both and the Appellant's contention that the hearing was done in English alone is false and baseless.

In view of above background, the Discom prayed to uphold the order passed by the CGRF and dismiss the appeal filed by the Appellant lacking ground and merit.


4. After hearing both the parties and considering the material on record, it is observed that the basic issue revolves around the non-release of new electricity connection to the Appellant basically on account of the applied location falling within the ridge area, as demarcated by the forest department. It is also noted that the site was inspected by the Discom earlier on its own at three occasions and later on another joint inspection was carried out by the Discom in the presence of the Appellant as per the directions of the CGRF, in order to check the technical feasibility and to capture the coordinates of the applied location. It is also observed that the Discom has taken due precaution and inspected the site on three occasions on its own, in view of the fact that the site where the connection has been applied falls on the borderline of the ridge markings. These inspections were carried out in order to doubly ensure whether the site falls within the ridge area or not and further for the satisfaction of the Appellant, on one of the occasions viz., on 10.12.2020, the Appellant was also called at site to validate the GIS coordinates. The Discom have plotted the location on the map,

where the Appellant is seeking connection, and the same is found to be falling under the ridge area.

In view of the above background it is quite evident that the location where the new connection has been applied for by the Appellant falls under the ridge area as demarcated by the Forest Department, hence the electricity connection cannot be granted by the Discom. In addition to above perusal of the communications dated 04.09.20213 and 14.01.2021 issued from the office of Deputy Conservator of Forests, Department of Forest, the Discom has been instructed not to issue new electricity connections in the notified ridge land vested with the Forest Department without NOC from Forest Department, GNCTD. Under the circumstances the Discom has rightly issued the deficiency letter to the Appellant to submit the required NOC, in order to process his request for release of new connection.

However, with regards to the contention of the Appellant that many other houses in the neighbourhood having identical location, have already been provided with the electricity, it is held that the Discom should look into the matter rather seriously in view of RTI Information submitted by the Appellant, wherein number of persons enjoying electricity have been allegedly found to be inside the ridge area of Rajokari. Further, in view of the letter dated 14.01.2021 from Deputy Conservator of Forests as submitted by the Discom itself, the Discom is advised to review the connections given around the applied site of the Appellant in the instant case and check if they fall on the forest land. In case they fall in the ridge area as demarcated by the Forest Department, appropriate remedial action may be taken at their end in pursuance of letter dated 14.01.2021 from the Deputy Conservator of Forests.

Hence, no intervention with the verdict of the CGRF is warranted and the appeal stands disposed of accordingly.


(S.C.Vashishta)
Electricity Ombudsman
30.11.2021