

**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.28/2019**

(Against the CGRF-TPDDL's order dated 06.09.2019 in CG No. 46/2019)

**IN THE MATTER OF**

**SMT LATA DETWANI**

**Vs.**

**TATA POWER DELHI DISTRIBUTION LTD.**

**Present:**

Appellant : Smt. Lata Detwani

Respondent: Shri Gautam Jai Prakash, Sr. Manager (Legal) along with  
Shri Anurag Kumar, Asst. Manager, on behalf of the TPDDL.

Date of Hearing: 18.12.2019

Date of Order: 23.12.2019

**ORDER**

1. The appeal No. 28/2019 has been filed by Smt. Lata Detwani, R/o A-162, Derawal Nagar, Delhi - 110009, against the order of the CGRF-TPDDL dated 06.09.2019 passed in CG No. 46/2019.

2. The brief background of the appeal is that the Appellant had applied for a temporary domestic electricity connection for a sanctioned load of 1 KW at her premises bearing H.No. A-145/146, Khasra No. 343, Block -C, Guru Nanak Dev Colony, Village Bhalswa Dairy, Delhi, on 05.11.2017, against which a demand note for Rs.15,360/- was issued by the Discom (Respondent), which was duly paid by her on 11.12.2017. She started the construction of her house but later on the connection was declined by the Discom on the ground that the area where the electricity connection has been sought fell in un-electrified area. The electricity connection was suspended by the Discom vide suspension letter dated 28.12.2018 and the demand note amount of Rs.15,360/- was also returned to the Appellant on 08.02.2019. However, the cheque for the refund of the payment made against the demand note as received by the Appellant has not been encashed by her and the same has now become time barred. The Appellant also submitted that whereas the Discom has granted the new electricity connections in the area to many other consumers but the same has not been granted to her premises on the plea of un-electrified area. She also contended that when the area is un-electrified, then it is not understood as to why the demand note was at all raised by the Discom and later



on cancelled the same after a gap of more than one year. The Appellant also submitted that the Discom has charged Rs.15,360/- from her by way of demand note whereas the other similar consumers were charged only Rs.8,000/-. She further submitted that the Discom has used the money deposited by her against demand note for such a long time and she has also not been paid any interest on the same.

The Appellant stated that she had raised her grievances during the hearing in the Forum for an early release of electricity connection but did not get any relief and hence has preferred this appeal with a prayer to get the electricity connection released at the earliest as she has already suffered a lot and has been harassed since the last two years.

3. The Discom in its reply has submitted that the Appellant had applied for a new connection on 05.11.2017 in her favour at House No. 145, Khasra No. 343, Block-C, Guru Nanak Dev Colony, Village Bhalswa Dairy, Delhi, for a domestic light load of 1 KW. The Discom further contended that since the supply of electricity within the area of its operations being a universal obligation, so they are committed to make all endeavours to provide an electricity connection to every applicant subject to fulfillment of all conditions as envisaged under the relevant laws and regulations. Similarly, maintaining a proper electrical network is also one of the obligations of the Discom so as to ensure proper electricity supply to all the consumers as per the standards of supply envisaged under the DERC's Supply Code and other relevant regulations. It is towards this obligation that the Discom has to follow the established norms of an electrical network and when an area or pocket is not electrified, the Discom has to first get the same electrified as per the norms prescribed and then release electricity connections in the area. It is only with this objective that the Regulation 11(4) (iii) of DERC's Supply Code, 2017 has been framed. Accordingly, after receipt of new electricity connection request from the Appellant, they processed the request as per DERC's guidelines but during the process it was found that the applied area does not have the electricity network and that the installation of ESS (Electric sub-station) along with the laying down of electricity distribution network is required at applied site to cater the electricity in the applied area. In compliance to Regulation 11(4)(iii)(a) of DERC (Supply Code and Performance Standards) Regulations, 2017, the said area has already been updated in the 'list of un-electrified areas' for consecutive years starting from, 31.07.2017.

The Discom further reiterated that in compliance of the regulations a demand note of Rs.15,360/- for "New Connection in an un-electrified area" was issued to the Appellant in December, 2017 and the same was paid by her on 11.12.2017. In order to carry out the work of electrification they initiated and carried out the site survey for framing up the requisite electrification schemes, but since they were unable to earmark a space for installation of electric sub-station, a letter was issued to the Appellant informing the site constraints in the area. The Discom also submitted that since the site constraints continued thereafter also, they were left with no option but to cancel the new electricity connection request of the Appellant and a cheque for the amount of demand note was issued to her. However, they finally were able to identify and earmark a space for electric sub-station on 22.03.2019 and accordingly the electrification scheme was framed and initiated on 01.04.2019.





The Discom also submitted that the Appellant's case is covered under Regulation 11(4)(iii)(e)(ii) of DERC (Supply Code and Performance Standards) Regulations, 2017, the provision of which is reproduced herein for the sake of clarity:

Where new network is to be laid or grid station needs to be established	:	<p>Within 12 months from the date of receipt of approval from the Commission, wherever required, subject to:</p> <p>(i) Receipt of service line-cum-development charges under Regulation 21 from the developer or the applicant as the case may be; and</p> <p>(ii) Availability of right of way &amp; land, wherever required.</p>
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The Discom further submitted that during the proceedings in the Forum, it was informed by them that execution of the work has delayed as drain work by the civic agencies was going on since April, 2019 and no ROW (Right of Way) was provided to the Discom at site. Further, public hindrances also occurred at site regarding the provision of space for the installation of ESS (Electric Sub Station) and the new location was provided to them only in May/June, 2019 after which the execution of above said scheme was started but presently the same is again on hold due to some other site constraints. It was also informed to the Forum that the Distribution Transformer is yet to be placed as there is a site constraint due to the debris/land filling material lying on the approach road. Due to such conditions, not only the work is on hold but also the issue of clearances as per CEA Safety Regulations has also cropped up which has also to be relooked due to the rise in ground level. The level of newly erected sub-station has also gone down by around 3 feet which needs to be raised for the purpose of meeting the clearance standards. Further, due to bad condition of the approach road, it is not possible to transport the transformer and other equipment including the electrical poles till proper road is made available for the same and as per their estimate the electrification work is likely to be completed by the end of November, 2019. The photographs showing conditions of the site as submitted by the Discom during the hearing on 18.12.2019 were taken on record.

4. The Discom further conveyed that the Appellant filed her representation in the Forum, wherein the Forum after considering the ground situation and facts of the circumstances of the case, passed the order and directed the Discom to file the completion report by the end of November, 2019. The Discom denied the contention of the Appellant regarding inordinate delay on their part and clarified that the electrification work has been delayed due to the site constraints involving various other civic agencies at work. The contention of the Appellant that she has been



charged an excess amount against the demand note was also denied by the Discom and it was submitted by them that the same has been charged as per the extant regulations and there is no discrepancy in the same.

Finally, during the hearing on 18.12.2019, the Discom conveyed about the present status of electrification and submitted that their system is now ready for releasing the connection, and the new connection can be released within seven days after completion of the commercial formalities by the Appellant. As the Appellant during the hearing desired to have a permanent electricity connection instead of temporary connection, as applied earlier by her, so the Discom suggested that the Appellant should surrender the old time barred cheque and they will in turn issue a fresh cheque in her favour against the payment of the demand note of Rs.15,360/- deposited by her previously. Further for getting a new permanent electricity connection she should apply afresh and after completion of all commercial formalities, as per the regulations, they will release and install the new connection within a week's time. The above proposal was agreed to by the Appellant but she insisted for the interest to be paid by the Discom on the total amount of the demand note instead of only on security deposit. The Discom, however agreed to pay the interest only on the security deposit.

5. After hearing both the parties and considering the material on record the basic issue which emerges is that the Discom processed the case of new connection and issued a demand note which was duly paid by the Appellant but the connection was not released and rather the same was suspended after a gap of more than one year. The Discom should have inspected the area before the issue of demand note and moreover when the area is already demarcated and updated in the list of un-electrified areas since 31.07.2017, as per their own version, the Appellant should have been informed in advance so that the Appellant could have planned her construction activities accordingly avoiding inconvenience and harassment to her for such a long period. Secondly, the connection should have been released after complete electrification of the un-electrified area within a period of 12 months from the date of receipt of approval from the Commission, as per the Regulation 11(4)(iii)(e)(ii) of DERC (Supply Code & Performance Standards) Regulations, 2017, which was also not taken in the instant case. Further, as per the provision of the above quoted regulation, in case the Discom was unable to complete the electrification work within 12 months due to genuine site constraints etc., they were supposed to take a further approval of the Commission for extension of time, based on proper justification, but again the same was also not taken by them. It is also observed that it took more than one year by the Discom even in framing and initiating the scheme which seems to be on a very higher side.

However, on the perusal of the photographs and other details as submitted by the Discom, it is observed that there were certain genuine constraints encountered by the Discom during the implementation of the scheme and in such conditions the work of electrification cannot progress smoothly and timely. As regards the Appellant's contention that the other consumers in her area have been granted connections while the same has been denied to her, the Discom's submission that the other electricity connections granted fell in electrified areas, whereas the






Appellant's premises is located in an un-electrified and the same stands already updated in the list of un-electrified areas for consecutive years starting from 31.07.2017 onwards is in order and as such the Appellant's contention cannot be considered. The other argument of the Appellant that she has been charged more amount by way of demand note as compared to some other similar consumers in the area, is also not acceptable since the amount charged by the Discom is as per the extant regulations only.

Further, in the background of above exposition it is held that in view of the site constraints, the delay in execution of the work cannot be attributed to the Discom. The Discom has finally submitted that the electrification work for the said area has been completed and the new electricity connection can be released in a week's time. In view of the same, the Appellant may apply for a permanent/temporary new electricity connection, as the case may be, afresh and the Discom is directed to release the connection within seven days after completion of all required techno/commercial formalities by the Appellant. The Appellant should return the time barred cheque amounting Rs.15,360/- against the earlier demand note to the Discom and after considering all the factors, as a measure of relief to the Appellant, the Discom is directed to refund the amount along with interest as applicable on the total amount of Rs.15,360/- deposited by the Appellant for the period from 11.12.2017, when the said amount was deposited/paid by the Appellant, to 08.02.2019, when the same was refunded and dispatched to the Appellant initially by the Discom. The compliance of the order may please be submitted within fifteen days.

The appeal is hereby disposed off accordingly.

  
(S.C. Vashishta)  
Electricity Ombudsman  
23.12.2019