

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)

IN THE MATTER OF

1. Shri Ram Phal Yadav

(Appeal No.30/2024 against the CGRF-TPDDL's order dated 14.08.2024 in CG No. 103/2024)

2. Shri Ram Phal Yadav

(Appeal No. 40/2024 against the CGRF-TPDDL's order dated 08.10.2024 in CG No. 154/2024)

3. Shri Ram Phal Yadav

(Appeal No. 41/2024 against the CGRF-TPDDL's order dated 08.10.2024 in CG No. 155/2024)

Vs.

Tata Power Delhi Distribution Ltd.

Present:

Appellant : Shri Ram Phal Yadav, in person.

Respondent: Shri Ajay Joshi, AGM (Legal and Shri Utkarsh Bindal,
Senior Manager (CWG), on behalf of the TPDDL

Date of Hearing: 11.12.2024

Date of Order: 12.12.2024

ORDER

1. The three Appeals Numbering 30/2024, 40/2024 & 41/2024 have been filed by Shri Ram Phal Yadav, R/o 8647/14-B, Shidi Pura, Karol Bagh, New Delhi -110005 against the CGRF-BYPL's orders dated 14.08.2024 and 08.10.2024 respectively.

2. As the issues raised in the three appeals are similar and filed by the same person/Appellant, the hearing was conducted on the same day, i.e. 11.12.2024 at 2.30 PM, and a common order has been passed.



3. Three complaints were filed by Shri Ram Phal Yadav for release of non-domestic connections on the ground floor and first floor of the premises located at 8645/14-B, Shidi Pura, Karol Bagh, New Delhi – 110005. It is the case of the Appellant that he had applied for one 3 kw non-domestic electricity connection at first floor vide Notification No. 2037569576 dated 13.05.2024. Separately, he had also applied for a non-domestic connection on the ground floor vide Notification No. 2038367499 dated 03.08.2024 and also a connection at the first floor vide Notification No. 2038367591. All the requests were supported by a copy of mutation letter dated 30.03.1978 issued by MCD, as a proof of ownership, as required under Regulation 10(3) of the DERC's Supply Code, 2017. However, the requests made by the Appellant were kept pending through Notification Suspension Letters and connections were not released in time. The Appellant also submitted that relying on the same mutation letter, the Discom had allowed transfer of two connections in his name after the death of his tenant. (CA No. 60031421294-DL & 60031496163-NDL).

4. During the first site visit and inspection on the request No. 2037569576 on 15.05.2024, a report was submitted that connections exist on the applied portion. On raising the objection, another site visit inspection was carried out on 30.05.2024 and the deficiencies in the form of outstanding dues and valid ownership proof requirement were raised. The outstanding dues were cleared but connection was still not released, in spite of an e-mail dated 03.06.2024, informing the Discom about the payment of outstanding dues and up-loading of ownership proof. Against the non-release of connection, the Appellant submitted his complaint dated 17.06.2024/21.06.2024 before the CGRF with the prayer for release of the connection and compensation for delay in release of the connection.

5. In their response dated 08.07.2024 submitted by the Discom before the CGRF, in the first case, a reference was made to the two site visits, the need for valid ownership proof and clearing of outstanding dues. The Discom also submitted that mutation letter issued pertains to the year 1978, and, is, therefore, now required in the format presently in the use by the MCD. As the complainant had raised reliance on transfer of two connections on the basis of same mutation letter/certificate, the Discom issued demand note on 07.08.2024 for release of the connection. The grievance of the complainant for delay in issue of demand-note and claim for compensation was not found maintainable by the Forum. Pursuant to the order of the CGRF, connection was released/energized on 22.08.2024.

6. The two other applications were also submitted by the Appellant for release of the connections but upon Discom's denial, the matter was taken up by the CGRF as complaint No. 154/2024 and 155/2024. The stand of the Discom before the CGRF was that the mutation was issued on 30.03.1978. The complainant was asked to submit valid ownership proof in the light of notification suspension letter dated 06.08.2024 since



the format of the mutation letter issued now a days by the MCD is different from the one relied upon by the complainant as issued in the year 1978, It is the case of the Discom that information about the change of name with respect to two connections as well as release of connection No. 60032884649 pursuant to consideration of the matter earlier by the CGRF in Case No. 103/202, was never communicated by the complainant/Appellant to the Discom, and, therefore, the delay in the issue of demand-note was not attributable to the Discom. As a part of chronology of events, the Discom has also mentioned that site inspection was carried out in respect of the premises on 04.09.2024, and, thereafter, demand-note was issued and upon making payment that two pending connections were energized on 12.09.2024 and 13.09.2024 respectively. The CGRF while considering the matter on 08.10.2024, did not find any merit in the claim for compensation made by the complainant.

7. In the two appeals before the Ombudsman as 40/2024 & 41/2024, the Appellant has submitted that on the basis of his application for release of new electricity connection during August, 2024, no site inspection was carried out for want of ownership proof although his request for release of two non-domestic connections were duly supported by mutation letter dated 30.03.1978. His contention is that mutation letter is issued only once in the name of person when the property is mutated in his name as per the rules and regulations of the local body. He has placed reliance on a number of cases where CGRF directed for release of connections on the basis of mutation letter issued by the MCD. Attention in particular has also been invited to the transfer of two connections as mentioned as well as release of a new connection after the intervention of CGRF in the matter 103/24.

8. The Discom in their reply have reiterated the chronology of the events and mentioned that the Appellant was requested to submit valid ownership proof and Notification Suspension Letter was therefore issued. They have admitted about the receipt of e-mail dated 06.08.2024 from the appellant reiterating that MCD letter dated 30.03.1978 was a valid proof of ownership. However, the Appellant did not convey to Discom that in the connections Nos. CA No. 60031421294-DL & 60031496163-NDL, name has been transferred on the basis of the same document. It has not been disputed that two connections were transferred and one new connection was also released on the basis of same mutation letter after intervention of the CGRF earlier. An effort has been made to shift the onus on the Appellant to have duly informed the Discom about the above mention state of affairs, although an integral part of their record. It has also been emphasized that it was obligatory for the Appellant to submit mutation letter/certificate as per format prevailing in the present times. Alternately, onus was laid on the Appellant to produce supporting document such as house tax receipts etc.. The CGRF while disposing the matter, held that the delay in issue of demand-note was not attributable to the Discom, and, therefore, there was no case for grant of compensation.



9. During the hearing, the Appellant was present, in person, and the Respondent was represented by their authorized representatives. An opportunity was given to both the parties to plead their respective cases at length and relevant questions were asked by the Ombudsman and Advisors. The Appellant reiterated his contentions, as submitted in the appeals mentioning that the mutation certificate was duly submitted along with the application for release of connection as required vide Regulation 10(3) of the DERC's Supply Code, 2017. In rebuttal, the Respondent submitted that having regard to the nature of the mutation letter, there were doubts on the veracity of the document which required verification. Therefore, the Appellant was asked to produce a valid ownership proof. It was pointed out to the Discom that the first site visit was carried out on 15.05.2024 when two connections were found at the premises. On the request of the Appellant, another site visit was carried out on 30.05.2024. In accordance with the provision of Regulation 11(2) of the Supply Code, 2017, the aspect of site visit could arise only on the basis of satisfaction on the validity of the documents submitted and completion of their verification. No convincing response could be submitted by the Respondent on the presence of meters, during site visits, in the name of Shri Ram Phal Yadav based on the same mutation letter. Relevant questions were also asked by the Advisors present. It was also pointed out that the application before the CGRF in the first case was made on 17/21.06.2024 and the Discom, in its reply, dated 08.07.2024 also admitted change of name allowed for two connections earlier in the name of tenants, accepting the same mutation certificate/letter. Furthermore, during pendency of the matter before the CGRF, the Discom allowed the request for release of new connection to Shri Ram Phal Yadav.

10. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- (i) The fact remains that mutation letter dated 30.03.1978 was on record with the Discom. Two connections in the name of deceased tenant were transferred in the name of the Appellant and one new connection CA No. 60032884649 also released by Discom on the basis of CGRF's order in Case No. 103/2024 taking into account the mutation letter. The CGRF had, therefore already recognized the mutation letter. Even during site visit on 04.09.2024, the existence of three connections and three meters was confirmed.
- (ii) In the Appeal No. 30/2024 - As per Regulation No. 11 of DERC's Supply Code, 2017, meter is to be energized within one day after receipt of demand-note payment. Since the demand-note payment was received on 12.08.2024 as per record, then it should have been energized on 13.08.2024 but the meter was installed on 22.08.2024.



- (iii) Upon uploading of documents, subsequent verification, a site visit is arranged which was done in Appeal No. 30/2024. There was no question of raising objection at a later stage once the documents have been verified and site visit arranged. Later, even the dues were also raised towards the Appellant, this is violation of the regulation as enshrined in DERC's Supply Code, 2017.
- (iv) There is no explanation for inaction between 06.08.2024 till 03.09.2024, by the Discom, in the two matters registered as Appeal No. 40/2024 & 41/2024.
- (v) The submission by Discom about the need for updated/revised mutation certificate as per present day format is not supported by any enabling provision in the Regulations. There are also no provisions in law for submission of house tax receipt as claimed by the Discom.
- (vi) In the Appeal No. 40 & 41/2024 - As per the Regulation 10(3)(vii) of DERC's Supply Code, 2017, the mutation certificate uploaded by the Appellant for new connection meets the requirements of the regulations.
- (vii) The Discom's plea that mutation certificate issued in 1978 is on a different format as compared to what is issued now a days, reflects ignorance of the Discom's officials, besides it led to avoidable and unnecessary delay and harassment.
- (viii) The analysis of the case record reveals that there was no justification for any of the objections. The situation in appeal nos. 40/2024 & 41/2024 preferred before this Forum by the Appellant would not, therefore, have arisen, had the Discom checked their records objectively. The only conclusion that could arise in these cases is that the Discom caused unjust and unwarranted harassment to the Appellant and tried to unnecessary delay/derail the process.


11. In the light of the above discussion and also going through the relevant regulations, this court is of considered opinion that the Appellant has suffered at the hands of Discom's officials. Despite submitting all the required documents, under the relevant regulation 10(3) of DERC (Supply Code & Performance Standards) Regulations, 2017, there was a definite delay in energizing the connections. Though there was continuing communication between the Appellant and the Respondent, which the Court considers unnecessary. There was a unjust delay, mental agony and harassment caused to the Appellant and for which he is required to be compensated. Therefore, this Court orders:



- (i) This Court in modification of the orders passed by the CGRF, directs to compensate the Appellant to the tune of Rs.7,500/- for the mental agony and harassment caused to the Appellant and also in the interest of natural justice, equity and fair play. This amount may be adjusted against the ensuing bills of the three connections against their respective CA Nos. viz; 60032884649, 60033378377 & 60033381728.
- (ii) An enquiry may also be initiated to find out the reasons for the delay and also to find out the disconnect/in-coordination amongst various Departments/Divisions of Discom. The above enquiry should lead to systematic improvement and streamlining of the processes so that consumers are not subjected to any harassment.

12. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier. The parties are informed that the Order of Settlement of Grievance raised in the appeal is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
12.12.2024