

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)
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Appeal No. 43/2024

(Against the CGRF-TPDDL's Order dated 08.10.2024 in CG No.136/2024)

IN THE MATTER OF

Ms. Soniya

Vs.

Tata Power Delhi Distribution Limited

Present:

Appellant: Shri Manjeet, husband, on behalf of the Appellant.

Respondent: Shri Ajay Joshi, AGM (Legal), Shri Abhishek Singh, Manager and Shri Himanshu Shekhar, Asst. Manager on behalf of the TPDDL

Date of Hearing: 06.02.2025

Date of Order: 07.02.2025

ORDER

1. Appeal No.43/2024 dated 14.11.2024 has been filed by Ms. Soniya, R/o H. No.D-558, Sector – 1, Rohini, Delhi - 110085, against the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Ltd. (CGRF-TPDDL)'s order dated 08.10.2024 passed in CG No.136/2024.

2. The background of the case, as per the Appellant, is that she had applied for release of a domestic connection at Plot No.107, Ground Floor, Pocket C-2, Sector – 32, Rohini, Delhi, vide request no.2036562151 dated 11.03.2024 (However, the available records shows the category applied for is "Long Term Temporary connection"). Appellant contended that the Delhi Development Authority (DDA) allotted the aforesaid plot in the Sector -32, Rohini, during 2005 (the owner of premises/plot was Shri Mayank Sethi who had sold the same to the applicant through a registered deed on 17.08.2023). Till date, no efforts were made to



electrify the DDA approved sector. Not even a single electric pole has been erected by the TPDDL (Respondent) in Sector – 32 which ought to have been electrified in four months in terms of DERC's guidelines. However, adjacent enclave i.e. Pansali, which falls under unauthorized colony category, is fully electrified by the Respondent. Despite repeated requests in this regard, the issue has been sent to-and-fro between the TPDDL and the DDA. Before the CGRF, the Appellant had requested i) to consider her request for release of the new domestic connection, ii) to grant compensation on account of delay, as per DERC's Guidelines.

3. The Respondent submitted before the CGRF that the Complainant had applied for a long term temporary electricity connection of 1 KW at the aforesaid premises on 11.03.2024. Upon site verification on 23.03.2024, the area was viewed as "un-electrified", as per Regulation 2 (53) of DERC Supply Code, 2017, and distance of nearest pole from the applied premises was more than 160 meters. So, in the light of Regulations 21 & 22 of DERC Supply Code, 2017, the Complainant was duly advised to take-up the matter of electrification and framing of scheme with the DDA/developer. Meanwhile, the Respondent was coordinating through various communications dated 20.09.2021, 18.11.2021, 26.10.2023, 25.04.2024 & 11.06.2024 with the DDA, providing layout for six numbers of Electric Sub Station (ESS) for the electrification of plot pocket C2, Sector -32. The additional cost implications, if any, shall be borne by the DDA itself. For requirement of space as well as cost of electrification, the DDA, being developer, a suitable response was awaited. The fresh electricity connection could be released only after electrification of the said area subject to payment of applicable cost by the developer or the applicants. Thus, for these reason(s), request for new connection could not be processed. Moreover, in support, the Respondent had annexed the Minutes of Meeting received from DDA vide letter dated 18.09.2024, received on 20.09.2024, wherein it was mentioned:

"It has been decided in the meeting to coordinate with LAB (Land and Building) Rohini for expediting this issue and requested planning wing to explore any other suitable location for ESS"

4. The CGRF-TPDDL, in its order dated 08.10.2024, was of the opinion that electrification of the area could not be done on piecemeal basis. A comprehensive scheme needs to be formulated after getting the details of the land earmarked for putting up Sub-Stations, transformers & cables etc. Hence, the Respondent was directed to pursue the matter with DDA (Developer) for getting the details of space for Sub-Stations without fail as well for release of applicable cost of electrification in accordance with Regulation 21 & 22 of DERC Supply Code, 2017. Upon receiving



details from DDA, a comprehensive scheme might be formulated for executing the work expeditiously. After completing the electrification work of the area, necessary action with regard to release of connection to the Complainant might be processed on an urgent basis.

5. Aggrieved by the CGRF's order, the Appellant has preferred this appeal to grant either permanent or temporary electricity connection for construction of her premises. In the appeal, she has contended that in spite of the licensee follow up the matter with the DDA for space, she has been asked to do the needful, which she claim is unnecessary and unwarranted. She contested that the issue is moving between DDA and TPDDL which has resulted in undue harassment to her. Without electricity, construction of the premises is not possible.

The Appellant has prayed, (i) to provide a new connection for construction purpose; (ii) to direct the TPDDL to install the three transformers for supply of electricity in the pocket.

6. The Discom, in its response dated 10.12.2024, to the appeal, has reiterated its submission as before the CGRF. Additionally, in the compliance with the CGRF's order for pursuing the matter with the DDA, a letter dated 22.11.2024 was written wherein Discom has specifically requested to share the details of ESS space allocation for framing the scheme, in the light of Regulations 21 and 22 supra. Speaking about the contention of Appellant for installation of six transformers, the Respondent already submitted before the CGRF that the DDA had earmarked space only for one sub-station. Due to non-availability of space for second sub-station, Respondent was unable to frame the comprehensive electrification scheme. As a result, the new connection notification was suspended on account of "unelectrified area" which was duly communicated to the Applicant on 26.04.2024. Moreover, as per Minutes of Meeting dated 18.09.2024 "Electrification of all other pockets also in Sector – 32, Sector – 39 & 40: Planning Wing was requested to provide the layout plans of other pockets also in Sector-32, Sector -39 & 40, Rohini, where development is planned so that electrification of these pockets can also be planned in coordination with Discom i.e. TPDDL." However, the land was allotted by the DDA to the Appellant for residential purposes. Therefore, it is primary responsibility to the consumer to pursue the matter with DDA so that the applied area could become habitable. The Respondent was pursuing the matter with DDA continuously so that the space for sub-station is allotted for preparing the electrification scheme.

7. The appeal was admitted and fixed for hearing on 06.02.2025. During the hearing, the Appellant was represented by her husband, Shri Manjeet and the



Respondent was represented by its authorized representatives/Advocate. An opportunity was given to both the parties to plead their cases at length. Relevant questions were asked by the Ombudsman and Advisors, to elicit more information on the issue.

8. During the course of hearing, the Authorized Representative (AR) appearing for the Appellant, reiterated the stand as in the appeal and the prayer. AR submitted that the application dated 11.03.2024 for a new temporary electricity connection for construction purposes was rejected by the Respondent since the area of Sector – 32, Rohini, was not yet electrified. Although the DDA (Developer) had provided options and allocated land to be used for Electric Sub Station (ESS) and installation of the transformers, no action had been taken by the Respondent so far, despite the fact that the allotment was made in 2005 with plotting, marking, sewer and roads in the area. However, many others sectors in the nearby area stood already electrified by the Respondent but the Appellant was denied the connection for one reason or the other. AR asserted that the deliberate inordinate delay and resultant sufferings, in the instant matter necessitated imposition of a penalty on the Respondent. However, he was explained that no such enabling provision existed within the ambit of the regulations.

9. In rebuttal, officer present for the Respondent reiterated its written submission. Respondent invited attention to the communications with the DDA since 2021, the minutes of the meeting in September-2024 and further follow ups, including the last letter dated 22.01.2025 sent to DDA, for providing the space for transformer and further action for electrification but in vain. The said letter dated 22.01.2025 submitted during hearing was taken on record. Respondent further restated that the electrification could not be carried out on piecemeal basis and only planned development could resolve the issue. Advisor (Law) invited the attention to the provisions of Regulation 18 & 11 of DERC Supply Code, 2007 & 2017, respectively, which imposed the obligation on the Discom to inform the DERC about the unelectrified areas besides the plan of action and for facilitating electrification of the various areas in a planned manner with a consumer friendly approach. For this purpose, the time-frame has been laid down for actions. It was unfortunate even after 20 years, residents of Sector 32, Rohini, still awaited electrification and succor and relief to them was evasive. Advisor (Engineering) mentioned the technical aspects pertaining to the issue involved, in detail, and the difficulties in providing even a temporary connection in the background of the existing regulations. He also pointed out that it was required for the Nodal Officer of the Discom to regularly follow-up the matter with the DDA for identification of the areas for transformers,



working of the estimates of electrification etc.. Such follow ups in the instant case were a period of 20 years was definitely found lacking.

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

- a. It is the contention of the Appellant that Rohini Sector 32 was allotted by DDA in 2005 but no electrification arrangement has been done by the TPDDL so far. This is not disputed by the Discom.
- b. Property (60 sqm.) was purchased from Mayank Seth and Preeti Sapra, as co-owners, under Rohini Residential Scheme for Rs.44.0 lakhs through a registered Sale Deed on 17.08.2023. The said property was got converted from lease hold to free hold vide Conveyance Deed on 16.10.2014 by the owners.
- c. While the connection applied for on 11.03.2024 was not released, one unauthorized colony Pansali Enclave, adjacent to DDA Sector is fully electrified. There is no development in DDA approved Sector 32 by the TPDDL.
- d. The stand taken by the Discom is with reference to compliance with Regulation 21 and 22 of DERC Supply Code, 2017. The latest status is reflected in Minutes of Meeting with DDA on 18.09.2024, and further communications made with DDA till January-2025.
- e. It has not been disputed by the Respondent that Sector – 32 is in existence in Rohini since 2005. In the matter of electrification, the Discom has referred to the various communications with DDA in respect of unelectrified areas in Rohini and in particular Sectors 18, 32, 27, 37 & 28-32 mention in particular is made to the letters sent to the authorities in DDA from time to time during 2021-2024. It needs to be noted, however, that the Rohini Scheme was announced in 1981 and planned development undertaken in a phased manner.
- f. Under Regulation 18 of DERC Supply Code, 2007, it was enjoined upon the Discom to intimate to the Commission (DERC) the details of unelectrified areas/colonies under its area of supply and to undertake a review of the area and file a revised list once in two years. Regulation 11 (4) (iii) of DERC Supply Code, 2017 stipulates that information on



unelectrified areas will be provided on an yearly basis. The action taken by the Discom in this regard is not borne from the record.

- g. During the period 2005 till 2023, the details of the correspondence with the DDA, the plan of action and details of the estimated cost of electrification of the various sectors of Rohini and in particular Sector - 32 informed to the DDA by the Discom for release of the funds / cost of electrification has not been specified. Innocent consumer cannot be made to suffer on account of sheer negligence/apathy on the part of the Discom/DDA as in the present case, spread over two decades. The systemic failure has only aggravated the suffering of the public and deprived them 'of the right to electricity', in violation of Article 21 of the Constitution of India.

11. In the light of the above, this court directs as under:

- i) The order passed by the CGRF-TPDDL dated 08.10.2024 is set-aside.
- ii) In the interest of natural justice and fair play, the Discom is directed to provide a temporary connection to the Appellant within a fortnight for construction purposes. Having regard to the delay in electrification of the area, the total cost of temporary connection including the installation of poles, cables etc. be borne by the Discom and the Appellant in the ratio of 70% to 30%, respectively. The temporary connection should be planned in such a manner so that the material used now is utilized when the electrification process starts for this sector. The release of the temporary connection in the instant case will not be taken as precedent by others since the Discom and the DDA are expected to be proactive in expeditious electrification of the pending areas.
- iii) The temporary connection released to the Appellant will be for construction purposes only and would last till the electrification is completed. Appellant would apply for and take a regular/permanent connection only after electrification is completed.
- iv) CEO may suitably take up the matter with the Vice-Chairman of DDA, personally while enclosing a copy of this order, for facilitating proactive action for electrification of the pending area (Sectors) in Rohini in a time bound manner and in adherence to the provisions of DERC Supply Code, 2017, for providing succor and relief to suffering consumers.



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
07.02.2025