

**Office of the Electricity Ombudsman**

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

**B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057**

(Phone No.: 32506011, Fax No.26141205)

**Appeal No. F. ELECT/Ombudsman/2013/510**

Appeal against the Order dated 30.07.2012 passed by CGRF– TPDDL in CG.No.4202/04/12/RHN.

In the matter of:

Shri Chirag Bhatia - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Rajan Bhatia, father of Shri Chirag Bhatia, attended on behalf of the Appellant.

Respondent: Shri Vivek, Sr. Manager (Legal), Shri Ashish Singh (Legal Retainer) & Shri Vipin Kumar Sharma, Executive Engineer (E), attended on behalf of the TPDDL.

Date of Hearing: 09.01.2013, 12.02.2013, 12.03.2013

Date of Order : 04.04.2013

**ORDER NO. OMBUDSMAN/2013/510**

The Appellant, Shri Chirag Bhatia, R/o H. No.30, Pocket – 11-A, Sector 23, Rohini, Delhi – 110085, approached the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited (CGRF – TPDDL) that he had not been released a new connection for his residence although the demand note issued by TPDDL had been paid. The TPDDL (DISCOM) had later taken the view that the area is unelectrified and permanent connection cannot be released. The DISCOM was willing to refund the amount with interest.

In the CGRF's hearing, it was brought out that the matter was before the DERC for approval of estimate after which the Delhi Development Authority (DDA)

(117)

was to deposit 50% of the amount required for electrification and it is only after this that electric connections to Shri Chirag Bhatia and five others, who also have houses in the area, could be released. The CGRF order records that the Counsel of the complainant submitted that they are ready to pay the amount required if the DISCOM refunds the amount to them on receipt of the DDA share. Following the CGRF order on 30<sup>th</sup> July, 2012, the DISCOM wrote to the Appellant herein on 18.10.2012 asking him to pay an amount of approximately Rs.4 lakhs to avail the permanent connection and also noting in the letter that the amount so paid will be suitably adjusted after the TPDDL receives the payment for electrification from the DDA.

The Appellant had, however, already filed an appeal on 21.08.2012 requesting for orders for installation of permanent electric connection by converting the present temporary connection and to refund the extra charges paid by him so far above the normal domestic charges from the date of issue of present temporary connection till date alongwith interest apart from imposing a penalty and compensation for mental harassment and hardship. It is the contention of the Appellant that the DISCOM is delaying matters although the DDA has undertaken to pay the amount of their share vide a letter issued by them on 16.07.2012 in compliance of the CGRF.

The matter was heard on 09.01.2013. The DISCOM was asked to check whether the temporary connection can be converted into a permanent one, given the present position of supply infrastructure.

In the next hearing on 12.02.2013, the DISCOM reiterated that the Appellant should pay Rs.4 lakhs for converting the temporary connection into a permanent connection, as ordered by the CGRF. The DISCOM also informed that the DDA had paid part of the dues in January, 2013. Further time was sought to explore the possibility of finding a solution of the Appellant's request.

In the next hearing held on 12.03.2013, the DISCOM informed that the suggestion for applying permanent tariff to the present temporary connection

cannot be agreed to as it would lead to violation of the Rules and Regulations of the DERC and the Electricity Act, 2003.

A response was filed by the DISCOM on 15.03.2013 detailing this. The DISCOM pointed out the proviso to Section 43 of the Electricity Act, 2003 which refers to an area where no provision for supply of electricity exists and which provides for extending the period/time for providing electricity by the Appropriate Commission. Similarly, the DISCOM referred to Regulation 30 (i) whereunder the DDA has to share 50% of the cost towards providing infrastructure and stated that releasing permanent connections, before this is done would violate the laid down procedure as well as decisions of the Appellate Tribunal and the relevant High Court. It also pointed out that under Regulation 19 of the DERC Supply Code and Performance Standards Regulations, 2007, the grant of temporary connection does not create a right in favour of the applicant for claiming a permanent connection. The DISCOM claims that they are well justified in seeking the entire 50% of the electrification costs and then doing the work within the time prescribed by the DERC. Hence, the Appellant cannot be a claimant for a permanent connection.

It may be noted from the above that the lack of receipt of the full amount from the DDA being made a primary reason for delaying electrification could potentially delay the matter by years if the DDA does not, or is unable to, for some reason, pay the amount within a reasonable time as this could lead to delay by the DISCOM in completing the work. This would in turn require the Appellant to continue to function through a temporary connection at higher rates than charged in a permanent connection. No penalties would be applicable on the DISCOM as the area would continue to be formally unelectrified. The initiative in the matter, therefore, passes to the DDA and no penalties are attached to their action or lack of action. It is also to be noted that the CGRF's order points out that there are 75 electrified flats in the nearby Ashoka Apartments which are located only 235 meters away. Already about one year has elapsed since the Appellant has gone to the CGRF and the matter has not been finalized although a period of 4 weeks was

(113)

indicated in the CGRF order. He continues to function on a more expensive temporary connection. This is clearly an unsatisfactory state of affairs.

A number of opportunities were given to the DISCOM to find a practical solution to the difficulties in this particular case but they could not arrive at a final position except to say that in January, 2013 some partial payment has been made by the DDA. The DDA is also on record in their letter dated 16.07.2012 giving an undertaking to release the payment once the scheme has been approved by the DERC. This approval appears to have come as some payment has been released by the DDA in January, 2013. The DDA has also stated that, in the meantime, the TPDDL can take up the work at site as directed by the Forum (CGRF). In the light of the above, it is open to the TPDDL to:

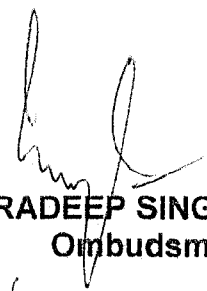
- (i) Revise the pro-rata amount which the Appellant herein had to deposit, as per the CGRF order of 30.07.2012, to reflect the partial payment received from the DDA so far, or
- (ii) Take a view if the remaining payment due from the DDA needs to be awaited or whether they can expend the same amount themselves to provide the remaining infrastructure in order to convert the temporary connection into a permanent one.

Regarding the claims of the Appellant that the DISCOM be penalized for not giving him a permanent connection and for mental harassment and hardship, these would not be sustainable demands in view of the provisions of the Act and related rules/regulations. One is constrained to note, however, that having passed the initiative to the DDA to make the payment the DISCOM appears to be in no hurry to push the issue with DDA either on its own, or through the DERC, for expeditious completion of the infrastructure but is content to await the unfolding of events to the financial detriment of those functioning on temporary connections. This speaks volumes about the nature of the power wielded by the DISCOM.

The orders of the CGRF were positive in nature and were meant to assist everyone to accomplish the task as quickly as possible. Since some development regarding partial payments has taken place, and almost a year has elapsed since these orders were passed the matter is remanded back to the CGRF to assess the issues of delay again, as well as revise the amounts which were to be paid by the complainant. The CGRF should note that the pro-rata amount was to be intimated to the complainant in a week's time but was intimated to him only on 18.10.2012. Such delays should not be easily accepted. The CGRF may assess what other methodology is available for expediting the electrification of the area. One method may be to keep the hearing alive and, through early hearings, enable DDA, the DISCOM and all concerned to speed up the process

A copy of this order may be sent directly by name to the Chief Executive Officer of TPDDL for his personal intervention with the DDA and DERC, as required, as too much time is being allowed to elapse to the detriment of consumers.

The CEO, TPDDL and CGRF may both send monthly updates on the progress being achieved so that the matter is finalized at the earliest.

  
**(PRADEEP SINGH)**  
Ombudsman  
4/4 April, 2013

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