

## **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/2014/582**

Appeal against the Order dated 18.07.2013 passed by the CGRF–  
TPDDL in CG.No.5211/04/13/KPM.

In the matter of:

Smt. Parkash Wati

- Appellant

Versus

M/s Tata Power Delhi Distribution Ltd.

- Respondent

Present:-

Appellant: Shri R. C. Sharma attended on behalf of the Appellant.

Respondent: Shri Vivek, Sr. Manager (Legal) & Shri M.S. Saini,  
Manager (Commercial) attended on behalf of the TPDDL.

Date of Hearing : 30.10.2013 & 15.01.2014

Date of Order : 03.02.2014

### **ORDER NO. OMBUDSMAN/2014/582**

The Complainant, Smt. Parkash Wati, R/o 2467/192 Trinagar, Opp. Agarwal Nursing Home, Delhi-110035, has filed an appeal against the order of the Consumer Grievance Redressal Forum - Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) dated 18.07.2013 requesting to refund an amount of Rs.24,989/-, deposited on 31.12.1995 under the Voluntary Declaration Scheme (VDS) - 1995, alongwith alleged levied misuse charges with interest @ 35% per annum and compensation of Rs.25,000/- on account of mental agony and harassment.

The brief facts of the case are that the Complainant (connection K. No.32400383120), had approached the CGRF requesting for refund of the said amount which was deposited on 31.12.1995 for load enhancement from 3 KW to

25 KW as neither the load was increased nor the money was refunded. She had contended that the TPDDL (DISCOM) had also levied "misuse" charges on her electricity connection in December 1998. She said there was no misuse at all. The DISCOM had not enhanced the load in time while making lame excuses that the declared load was, inadvertently, not updated in their records.

The DISCOM in its reply before the CGRF stated that when the Complainant had deposited the said amount under VDS-1995, the service line and the meter (3 phase) were already of adequate capacity to cater to the enhanced load sought. However, the declared load could not be updated in the records. Further, they withdrew the misuse charges from 17.02.2005, subsequent to the deposit of an inspection fee of Rs.60/-, as per his representation on 17.02.2005.

The CGRF noted in its order that the contention of the Complainant was partially correct and ordered a refund of the amount of security deposit of Rs.2,400/- plus services line charges of Rs.2,613/- along with interest, as applicable.

Now the Complainant has filed the present appeal on the ground that the CGRF did not appreciate that the DISCOM had not enhanced the load at all.

The DISCOM objected to the appeal stating that the Complainant herself had declared the enhanced load, as per VDS Scheme. There was no need to replace the existing meter and service line as the same was already catering to the load and were of sufficient capacity.

The matter was heard on 30.10.2013. The DISCOM explained that no refund is due as expenditure had already been incurred to upgrade wiring/meter etc. even before the Complainant applied under VDS-1995. The upgraded status had not been reflected in the uploaded data by then. However, the DISCOM was asked to explain, in writing, that the Complainant is on the same financial footing as other customers located near him. On the issue of "misuse", since the

Complainant has denied therefore, the DISCOM was asked to check the position and inform in writing by 15.11.2013.

The DISCOM in its reply clarified that the VDS-1995 was introduced for regularization of load for domestic consumers, who over a period of time had increased their connected load, and the cost charged under VDS was meant for development in the system's infrastructure/network (Sub-Station, Distribution Transformer, HT/LT Network etc.). However, an amount of Rs.5,445/- had already been refunded to the consumer on 26.08.2013, as per direction of the CGRF's order. As far as, the issue of misuse charges, it has been stated that the domestic power supply was being misused as commercial power by the Complainant, as per Inspection dated 30.06.1973 and the misuse was charged much before VDS.

The DISCOM's submissions were examined. The Complainant was asked to confirm her satisfaction on the VDS issue while on the issue of "misuse", she was advised to approach the competent authority. The Complainant, however, was not satisfied with the reply of the DISCOM. It appears the Complainant may have regretted applying under the VDS when there was no need to do so as system upgradation had already taken place.

The matter was again heard on 15.01.2014 wherein the Complainant was again explained the facts in detail but desired a written order to be passed. No infirmity having been found in the order of the CGRF, and the explanation of the DISCOM, the appeal is dismissed and the case is closed.

  
(PRADEEP SINGH)  
Ombudsman

3rd February, 2014

