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**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/2014/590**

Appeal against the Order dated 03.09.2013 passed by the CGRF–TPDDL in CG.No.5309/06/13/BDL.

In the matter of:

Shri Surinder Jain - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Surinder Jain was present in person.

Respondent: Shri Vivek, Sr. Manager (Legal) attended on behalf of the TPDDL.

Date of Hearing : 05.02.2014, 11.03.2014

Date of Order : 23.05.2014

**FINAL ORDER NO. OMBUDSMAN/2014/590**

This appeal has been preferred by the Appellant, Shri Surinder Jain, S/o Late Shri Roshan Lal Jain, R/o MU-72, Pitam Pura, Delhi, against the order of the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Ltd. (CGRF-TPDDL) in which his request for release of a new electricity connection, alongwith compensation for physical and mental harassment, was partially accepted by way of releasing the connection and awarding a compensation of Rs.5,000/-.

The facts of the case are that the appellant had applied for a new connection for 17 KVA (16 KW) at Khasra No.565, 566, 567 Ground Floor, Village Libaspur, Siraspur, Delhi. Inspite of depositing funds against demand

note of Rs.35,000/- vide Notification No.2002756692 on 09.06.2012, the DISCOM did not release a new connection for a year leading him to approach the CGRF on 11.06.2013. He had, further, requested compensation for the physical and mental harassment caused to the tune of Rs.1,00,000/- @ Rs.350/- per day, said to be as per DERC Regulation, 2007, from the date of deposit of the amount till the date of installation of the same with litigation cost of Rs.11,000/-.

The DISCOM during the first hearing held before the CGRF on 19.08.2013 had replied that the connection of the applicant has been released on 02.07.2013 and the reasons for delay in releasing of the said connection had been specified, which were many, from time to time.

The CGRF, however, in their final order dated 03.09.2013, while taking note of the chronology of activities given by the DISCOM for release of the connection of the applicant, observed that the DISCOM had failed to inform the complainant about the hindrances existing from time to time which is a deficiency on their part. However, the Complainant also failed to approach the DISCOM for release of the connection after payment of demand note. The documentary evidence for approaching the DISCOM was neither attached with the complaints nor submitted in their hearing for which he was held equally responsible. However, for the delay in the release of the connection and for not communicating with the Complainant about the hindrances being faced in the release of the connection, a compensation of Rs.5,000/- was awarded.

Now, aggrieved by the order of the CGRF, the Complainant has filed an appeal to quash the order of the CGRF to the extent of less compensation of Rs.5,000/- being given and to award Rs.1,27,750/- as compensation to him as per Schedule III, entitled "Guaranteed Standards of Performance and Compensation To Consumers In Case of Default", of DERC Supply Code and Performance Standards Regulations, 2007. He has also sought a penalty of Rs.3,65,000/- (Rs.1,000/- as per Section 43 of the Electricity Act, 2003)

65  
alongwith an amount of Rs.1,00,000/- on account of all types of losses i.e. name, fame and goodwill, monitory loss, physical and mental harassment.

The DISCOM in their reply has stated that the delay in the release of the new connection was due to reasons which were beyond their control and these constraints/hindrances were informed to the Complainant from time to time. It is also relevant to mention that the DISCOM's representative is said to have visited the premises of the Complainant on 26.06.2013 and at found that the Earth Leakage Circuit Breaker (ELCB) and Miniature Circuit Breaker (MCB), required to ensure supply, were not installed and ready. This, the DISCOM claims, shows the Complainant had applied for a new industrial connection in a lackadaisical manner. Further, the Complainant had not specified any loss of business for claiming of compensation and as such he is not entitled for any compensation on this ground.

On going through the details of the present appeal, the following points emerged for discussion:

1. Whether there was delay in release of the connection.
2. If so, the reasons for this delay and the extent of accountability of the DISCOM vis-a-vis the Complainant, if any, for this delay.
3. Compensation and penalty payable, if any, for the above.

Each of the points mentioned above is dealt with below, in seriatim:

### Issue 1

The chronology of events from the date of application of a new connection till the release of connection has been supplied by the DISCOM. A perusal of this indicates that the consumer had applied for the new connection for 16 KW on 21.05.2012. The payment against the demand note was made on 09.06.2012 by the consumer. The DISCOM supplied a copy of communications dated 18.06.2012 & 09.10.2012 addressed to the Complainant intimating that energization of his connection needs augmentation of HT network, though these

do not specify any time limit for release of the same. The DISCOM in its submission has narrated the sequence of activities carried out by them highlighting the public hindrances in execution of the work and the statutory clearances required from the Chief Electrical Inspector which resulted in delay in release of his connection.

The DISCOM divided the total period from 21.05.2012 (date of application) to 08.07.2013 (date of release of connection) into three parts.

- a. 21.05.2012 to 02.06.2012 (Receipt of complaint and Demand Note Generation).
- b. 02.06.2012 to 09.10.2012 (Installation of Transformer).
- c. 09.10.2012 to 08.11.2012 (Resistance at site), and,
- d. 08.11.2012 to 01.07.2013 (Non-receipt of Statutory Clearance).

The time period for release of the type of new connection involved in this case is being regulated by the DERC Supply Code and Performance Standards Regulations, 2007. The relevant clauses are as under:

Clause - 16 – Electricity connection in Electrified Area, which reads as follows:

“.....

x) *The Licensee shall, however, not be held responsible for delay in providing the connection, if the same is on account of reasons such as right of way, acquisition of land, delay in permission for road cutting, over which Licensee has no control provided that the reasons for the delay are communicated to the applicant within the period specified for energisation.*

.....”

Clause - 17 – Connection where system augmentation is required, which reads as follows:

“i) .....

ii) For connection requiring augmentation of distribution system, the Licensee shall inform the applicant for approximate time frame by which applied load can be energized which shall not exceed the time schedule given in Table 1 below:

Table 1

1.	.....	
2.	.....	
3.	.....	
4.	Electrified Areas where existing 11 KV network needs to be strengthened	One hundred and eighty days

5. ....

The above time schedule shall commence upon completion of all formalities including the Licensee receiving payment of all dues including the amount mentioned in the demand note to undertake such augmentations. Compensation for delay in releasing the connection beyond the stipulated date shall be as specified in Schedule III and shall be payable after necessary hearing by the appropriate authority."

'First Proviso' of Section – 43 of the Electricity Act, which reads as follows:

"Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission."

In the above context, it can be seen from the record that for release of the said connection installation of a new Distribution Transformer (120 days



allowed) alongwith 11 KV line strengthening (180 days allowed) was required and the work was carried out by the DISCOM. Therefore, the relevant Clause under which release of this connection falls is Clause 17 supra in which 180 days time frame is stipulated for release of connection in the electrified area where existing 11 KV network needs to be strengthened. Therefore, the installation work of transformer which was completed by the DISCOM on 08.11.2012 falls within the time period of the said Regulation.

The DISCOM has, further, informed that there was a statutory requirement of clearance for energization of Transformer/11 KV network from the Chief Electrical Inspector. Accordingly, the Office of the Chief Electrical Inspector was requested, after completion of work of transformer and its allied line, on 09.11.2012 to carry out the inspection. The inspection was carried out by that Office on 24.01.2013. The clearances at site were not found adequate and as such they had to revise their scheme. The work of the said scheme was completed on 08.05.2013 and the Chief Electrical Officer was requested on 20.05.2013 to re-inspect the same. The requisite clearance was given by the Chief Electrical Officer during his inspection on 01.07.2013. Thus it is evident that there is considerable time gap of about 4 months in complying with the observation raised by the Chief Electrical Inspector. There is, thus, delay attributable to the DISCOM in the release of the connection.

## Issue 2

The arguments advanced by the DISCOM is that Rule 61- A of Electricity Rules-1956 specifically require provision of Earth Leakages Circuit Breaker (ELCB) and that this provision of ELCB has been made mandatory by the DERC before release of any new connection. The ELCB was not found ready at site during the inspection by the DISCOM's representative on 26.06.2013, therefore the delay/deficiency on this account was on the part of the Complainant. However, a perusal of the record/copy of Call Centre entries reveals that the Complainant approached the DISCOM on 01.07.2013 in pursuance of the said

(6)

visit to inform that site is ready and as such requested for doing the needful. Therefore, even if, the argument of the DISCOM that the ELCB at site was found not ready in June 2013 is accepted, the DISCOM was not in a position to release the said connection anyway till July 2013 because the clearance of energization of the distribution transformer was not accorded by the Chief Electrical Inspector by the earlier date. This inspection was carried only on 01.07.2013, the installation was found in order and clearance was conveyed vide office letter dated 12.07.2013. Therefore, the plea of the DISCOM of a lackadaisical approach by the consumer in getting his new connection and blaming him for delay does not carry weight. Hence, no delay on the part of the consumer on this account can be made out.

From the foregoing paras, it is clear that there was delay in release of the connection. The delay was on account of the DISCOM in responding to the Chief Electrical Inspector. They took about 4 months' time period in complying with the objections raised regarding provision of adequate clearance for electrical safety. Even if a period of 20 days is taken as a reasonable period for preparation and execution of the revised scheme, there is still an unexplained delay of 95 days (from 25.01.2013 to 19.05.2013) on the part of the DISCOM.

### **Issue 3**

The compensation payable to the consumer in case of default is provided as per Schedule III, entitled "Guaranteed Standards of Performance and Compensation To Consumers In Case of Default", of DERC Supply Code and Performance Standards Regulations, 2007. Accordingly, the consumer is entitled for compensation of Rs.10/- per Rs.1,000/- of the demand charges deposited, per day of default. Therefore, the DISCOM is required to pay an amount of Rs.28,700/- calculated for 82 working days out of the total delay of 95 days.

(6)

The issue of penalty raised by the Complainant under Section 43 of the Electricity Act, 2003 does not fall under the purview of this office. The Complainant is at liberty to approach the appropriate forum for his claim under this Section 43 of the Indian Electricity Act.

However, it is clear from the above that the DISCOM has been remiss in taking prompt action which has resulted in inconvenience to the Complainant. A compensation of Rs.5,000/- has already been awarded by the CGRF on account of deficiency in service by the DISCOM. Therefore, the order of the CGRF is amended to the extent that besides the above compensation for deficiency in service an additional compensation of Rs. 28,700/- for default in not adhering to the time schedule as stipulated in Clause 17 (Schedule III) supra of the above Regulations, 2007 is awarded to the Complainant by the DISCOM through his energy bill.

  
**(PRADEEP SINGH)**  
**Ombudsman**

23rd May, 2014