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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/2015/671

**Appeal against the Order dated 03.11.2014 passed by the
CGRF–TPDDL in CG.No.6192/09/14/SMB.**

In the matter of:

Shri Akhilesh Kumar - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant: Shri Akhilesh Kumar was present in person.

Respondent: Shri Vivek, Sr. Manager (Legal), Shri Sanjog Raizada (ZM) & Shri Anirudh Sinha (Executive), attended on behalf of the TPDDL.

Date of Hearing : 06.01.2015

Date of Order : 08.01.2015

ORDER NO. OMBUDSMAN/2015/671

This is an appeal filed by Shri Akhilesh Kumar, Kh. No.38/22, Ground Floor, A-Block, Amrit Vihar, Burari, Delhi – 110084 against the order of the Consumer Grievance Redressal Forum – Tata Power Delhi Distribution Limited (CGRF-TPDDL) dated 03.11.2014 denying release of temporary connection for construction of house for which the demand note issued had been paid. The denial was due to a conclusion reached by the CGRF that the area was un-electrified and the distance from the transformer was too large to energize the connection.

The complainant pointed to other persons in the same area who had received electricity connections viz. one Smt. Baby Thakur on 24.02.2014 and one Shri Subhash Chand on 27.08.2014 and the later connection was released after the complainant had applied for one. The DISCOM, in its reply, has pointed to the existence of un-electrified/unauthorized area and to the lack of transformer capacity and distribution network. The DISCOM claimed that the connections of Smt. Baby Thakur and Shri Subhash Chand are temporary connections while the appellant has requested a permanent connection.

A hearing was held in the matter on 06.01.2015. During the hearing the DISCOM claimed that there is a policy of not issuing connections in this un-electrified area and that there are a large number of applications pending which would also have to be agreed to if this connection is released. The DISCOM was asked to show the documents/public notice which lays out this policy and was also asked to explain why there appears to be a pick and choose practice whereby one person who applied after the complainant was given a connection while he was denied it. From the CGRF order it appears that he has requested for a temporary connection for construction purposes. This cannot, therefore, be construed to be a permanent connection.

Given the fact that some other connections were released in the area after the complainant had applied and given the fact that there is no notified written policy in the matter, it is not proper that a pick and choose approach should prevail. It is, therefore, ordered, in the interest of natural justice, that a temporary connection for construction purposes be released to the complainant. The argument of over loading of transformer cannot be valid in this case as the subsequently released connections are also drawing load from the same transformer. It would in any case be advisable for the DISCOM to specifically publicize the detailed policy of not issuing connections in un-electrified areas by putting it on their notice board and on their bills being issued as well as by writing individual letters to all those people whose applications are still pending.

This should be done within the next 2 weeks. This policy can specify any restrictions on connections asked for at a distance from the transformer the DISCOM may wish to have. In case such restrictions are put in place a plan of action for covering other areas more distant should also be prepared and announced. To argue, as has been done in the reply of the DISCOM, that capital expenditure for this purpose cannot be incurred as it would amount to putting a burden on others is incorrect. The proper course is for the DISCOM to ask DERC and Govt. of Delhi to lay down a policy to meet the emerging demand and in its absence to continue to add capital expenditure on this to its overall expenditure unless specifically prohibited by them. The present case will also not be a precedent for issue of connections to others.

Further, the pick and choose policy which is clearly evident from the events surrounding the denial of the connection to the complainant requires that he be compensated for the expenses incurred in litigation etc.. An amount of Rs.5,000/- be paid to the complainant/consumer separately. The compliance report in the matter may be submitted within 21 days.


(PRADEEP SINGH)
Ombudsman


 January, 2015