

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-cum-Fax No.: 011-26141205)

Appeal No. 789/2017

IN THE MATTER OF:

Ms Garima Renwal - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 22.05.2017 passed by CGRF-BRPL in CG No. 33/2017)

Present:

Appellant: Shri G.D. Renwal, on behalf of the Appellant

Respondent: Shri Deepak Pathak, Advocate, Shri Anurg Gupta, DGM, and Shri D. Shaily (CO) on behalf of BRPL.

Date of Hearing: 09.08.2017

Date of Order: 14.08.2017

ORDER

1. Appeal No. 789/2017 has been filed by Ms Garima Renwal, R/o 56-A, Pocket A-11, Kalkaji Extension, New Delhi-110 019 against CGRF-BRPL's order cited above through her father.

2. The background, in brief, is that the Appellant had applied for a new electricity connection for her premises at Flat No. C-3, Devli Extension, New Delhi- 110062, which the Discom declined on the ground that commercial formalities had not been completed and there were some dues outstanding against the premises though not related to the Appellant. The CGRF had directed that the connection be released which has since been complied with by the Discom (Respondent) as of 17.06.2017.

3. The Discom's response has been that there were dues pertaining to the premises which were admittedly not related to the Appellant but to the builder. The arrears had been settled for a sum of Rs.90,000/- to be paid in three instalments by the builder vide an order dated 10.12.2016 of the Delhi State Legal Services Authority Special Lok Adalat. Two instalments had been paid while the third remained pending. On the directions of the CGRF, the connection sought has been released. The present plaint states that the CGRF, however, did not grant any compensation for the delay in the sanctioning of the new connection and for the harassment and financial loss caused as a consequence thereof.

4. I have considered the material on record and heard the parties. The CGRF's direction to the Discom to release the connection sought has been complied with. The only residual issue now is the demand for a compensation of about Rs. 27,000/- sought by the Appellant on the ground that her flat could have been rented out for Rs. 4,500/- per month six months earlier had the connection been granted on time, thereby resulting in a notional financial loss to her. This subject was not raised by the Appellant

Garima



before the CGRF and, therefore, technically barred from being brought up now before the Ombudsman in terms of Regulation 20(3)(i) of the DERC's Regulations of 2003 on the establishment of CGRFs/Ombudsman. A hearing was nevertheless granted to the Appellant to state her case in the interests of natural justice.

7. During the hearing, it was pointed out to the Appellant's father – who had also appeared on her behalf before the CGRF and written and signed all complaints/letters – that an appeal did not lie on an issue not raised before and adjudicated upon by the CGRF. He then claimed that he had indeed brought up the issue of compensation before the CGRF which had ignored his claim while passing its verdict. In support of his contention, he produced a photocopy of a letter seeking compensation written by him and dated 15.05.2017, which he claimed he had submitted to the CGRF during the hearing on that date.

8. An examination of the CGRF's original case file, which was summoned, however, does not support his claim. The daily order sheet detailing the proceedings on 15.05.2017 only indicates that the complainant had submitted a letter on that day containing a clarification regarding the numbering of the flats in the building along with a hand-drawn sketch while the Discom had submitted the electricity bills of other flats for record. There is absolutely nothing on record to suggest that the subject of compensation ever came up. Neither is the original of the letter he claims to have submitted in the CGRF's case file. There is also a difference in the quantum of compensation sought in the Appellant's complaint dated 10.07.2017 before the Ombudsman (Rs.27,000/- for six month's loss of rent) and the letter dated 15.05.2017 (for Rs.22,500/- for five months). Taken together, these discrepancies throw the very authenticity of the letter he claims to have submitted to the CGRF into doubt but point instead to a probable attempt on his part to mislead this court.

9. In any case, it is not possible to audit and monetise the gravity and quantum or harassment allegedly suffered or to establish benchmarks with respect to the notional loss of rental income which itself is subject to and dependent on a variety of inconstant market factors including the likely availability of a tenant, the facilities available in the accommodation offered, its location etc. The demand for compensation for a notional loss of rental income, therefore, cannot be sustained.

The appeal is hereby disallowed as being without merit.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
14.08.2017