

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.739/2016

IN THE MATTER OF:

Messrs PLD International Pvt Ltd - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. - Respondent

(Appeal against Order dated 21.03.2016 passed by the CGRF- BRPL in CG No. 228/2015)

Present:

Appellant: Shri Animesh Chandra Das and Shri V.B.Bansal, Authorized Representatives on behalf of the Appellant

Respondent: Shri Navdeep Arora, DGM, Shri Prashant Saxena, Manager, Shri Ankit Sharma, Asst. Manager, Shri Arav Kapoor & Shri Aditya Gupta, Advocates, Authorized Representatives of the Discom

Date of Hearing(s): 01.09.2016 & 20.09.2016

Date of Order: 21.09.2016

ORDER

1. Appeal No. 739/2016 has been filed by Shri Sanyam Bhushan, Director of M/s PLD International Pvt. Ltd. against the CGRF's order dated 21.03.2016 passed in CG No. 228/2015.

2. The basic issue revolves around a delay between the Appellant's application for a new electricity connection in April, 2015, its final grant in September, 2015 only after the intervention of the CGRF and the Appellant's demand for compensation for damages to his premises caused by a short-circuit fire in a generator set which he says he was forced to install to run his business due the delay in getting a connection - and which the CGRF had disallowed.

3. A look at the timeline of events in outline reveals the following:

a) **18.03.2015** – PLD applies for an electricity connection via e-mail.

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- b) **15 & 16.05.2015** - Discom e-mails replies stating that "the matter has been escalated for an early redressal" and "we have taken note of your issues very seriously and are working towards resolving them..."
 - c) **20.05.2015** - Discom informs PLD that their connection request has been registered.
 - d) **30.05.2015** - Discom inspects the premises.
 - e) **13, 19, 22 & 25.06.2015** - PLD sends e-mails to Discom complaining of delays.
 - f) **01.07.2015** - Discom's Head of Customer Relations asks PLD for the request number for processing matter further.
 - g) **09.07.2015** - PLD files a case before the CGRF. In the meantime, Discom has issued rejection letters dated 30.06.2015 & 09.07.2015 which PLD alleges are an afterthought to cover up their own delays.
 - h) **07.08.2015** - Discom asks PLD for more documents.
 - i) **12.08.2015** - CGRF orders that PLD be granted the connection.
 - j) **13.08.15** - Discom rejects application on "technical grounds" saying that pipeline laying and ELCB bill is required.
 - k) **24.08.2015** - Discom seeks more time from CGRF to "settle the issue".
 - l) **08.09.2015** - Appellant requests that the new connection be installed tentatively by 15th Sept as he is busy with repairs on his premises.
 - m) **21.09.2015** - Electricity connection finally granted to PLD.
 - n) **21.03.2016** - CGRF rejects the compensation claim of PLD.

4. To recap quickly, the Appellant's case is that, despite the exchange of considerable correspondence with the Discom (the Respondent), no substantive action was taken by the latter for the grant of the electricity connection sought, forcing him to approach the CGRF on whose orders alone the Discom finally acted. The Discom, on the other hand, holds that the process experienced delays on account of lack of sufficient cooperation from the Appellant and that they made concessions by waiving certain requirements only because of the CGRF's directions.

5. I have heard the parties and considered the material on record. The CGRF has discussed the sequence of events mentioned above adequately enough and it would be unnecessary to once again go into the details of what happened and when. Suffice to say, this is a clear case of a disconnect between a customer and the Discom which has unnecessarily led to acrimony and an unpalatable situation arising. Both parties



have blamed each other during the hearing – the Appellant claims that the Discom had deliberately adopted delaying tactics while the Discom, in turn, has accused the Appellant of having been non-cooperative. This mudslinging serves no purpose and throws no light on just what motive the two parties could possibly have had in contributing to a situation which was in the interests of neither of them. The only inference possible is that there have been interpersonal differences/conflicts at the field staff and lower levels which should ideally have been addressed by their superiors with a greater degree of maturity. While it is not the intention here to apportion blame, I would say that the greater responsibility devolves on to the Discom which could have demonstrated greater sensitivity and maturity in addressing a developing conflict situation. This observation holds true for the Appellant as well.

6. During the hearing, the Appellant said that, just as a baby required to be guided in its initial life, the Discom should have guided the applicant more effectively. While this metaphor is certainly interesting, its applicability here would be questionable since the customer in this case is literate, in possession of other electricity connections and, therefore, surely could not have been unaware of at least the outline of the procedures to be followed while applying for a new connection if not its details.

7. On the principal question of compensation for the damage and loss caused by the short circuiting of the generator installed by the Appellant on his business premises, I find no substantive reason to disagree with the CGRF's denial of the same although I would fault the logic on the basis of which the CGRF has done so. Whether the Appellant took the generator on hire or whether the expenditure receipts he filed in support of his claim are authentic or not is immaterial to the issue at hand. The main point here is that the decision of the Appellant to hire/install a generator was a business decision on his part as also the responsibility of ensuring that the installation complied with prescribed safety standards to obviate the possibility of fires or accidents. The fact that such an event did take place thus causing damage and loss to the Appellant – however unfortunate – cannot be attributed to the Discom and the Discom cannot be held vicariously or secondarily liable for the event or its consequences. Accordingly, the Appellant's claim for compensation in this regard is not sustainable.

8. Regulation 16 of the DERC's Supply Code and Performance Standards Regulations, 2007, clearly lays down, inter alia, time frames for the processing of applications for new connections wherein the applicant has to be intimated of deficiencies within three days of the receipt of the application followed by an inspection of premises within five days from the date of acceptance of the application. Again, a demand note has to be issued within seven days of the acceptance of the application. A similar injunction to provide an electricity connection within one month after the receipt of an application is contained in Section 43(1) of the Electricity Act, 2003. The timeline of events described in paragraph 3 above clearly show a serious deficiency in complying with these requirements on the part of the Discom. Without getting into the details of the mutual blame game indulged in by both the parties to this case, it is sufficient to note that there was a legal obligation imposed on the Discom to provide the connection

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within one month from the date of receipt of the application which, in the instant case, was 20.05.2015. Hence, the delay on the part of the Discom can be taken to have commenced a month later from 19.06.2015 till 08.09.2015, the date on which the Appellant requested a postponement of the installation of the connection for certain reasons. Accordingly, the Discom is hereby directed to pay compensation to the Appellant for the period 19.06.2015 to 08.09.2015 as per the rates prescribed in Schedule III of the DERC's Regulations of 2007 mentioned above. The CGRF's order stands amended to that extent.

9. Finally, during the hearing, the Appellant has stated that between the date of his application for an electricity connection on 18.03.2015 and the CGRF's final order of 06.04.2016, the Discom has raised fresh issues revolving around MLCC/KCC parameters. Although this was not raised by the Appellant before the CGRF and he should ideally approach that Forum for redress in case of any further grievances, I am nevertheless constrained to observe that it shall be the responsibility of the Discom to have all issues settled amicably within the framework of rules and regulations on the subject without resorting to any actions which could possibly be construed as vindictive.

Sundaram Krishna

(Sundaram Krishna)
Ombudsman
21.09.2016

