

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 (Review petition of March, 2017)

IN THE MATTER OF:

Messrs PLD International Pvt Ltd - Appellant
Vs.

M/s BSES Rajdhani Power Ltd. - Respondent
(Review petition on Ombudsman's order dated 21.09.2016)

Present:

Appellant: Shri Animesh Chandra Das, Authorized Representative
Respondent: Shri J R Chauhan, AVP, Shri Navdeep Arora, DGM,
Shri Vivek Prasad, DGM (F), Shri Aruj Mathur, Mgr. (Legal) &
Shri Aditya Gupta, Advocate, Authorized Representatives
of the Discom
Date of Hearing: 28.03.2017
Date of Order: 31.03.2017

ORDER

1. Appeal No. 739/2016 had been filed by Shri Sanyam Bhushan, Director of M/s PLD International Pvt. Ltd. against CGRF-BRPL's order dated 21.03.2016 passed in CG No. 228/2015. This appeal was adjudicated upon and an order dated 21.09.2016 passed by the Ombudsman in which, inter alia, the Discom was directed to pay a compensation to the Appellant at prescribed rates for delays in the installation of the electricity connection sought by the Appellant.
2. The Appellant, through his letters dated 18.10.2016 and 15.11.2016, sought a review of the Ombudsman's order, claiming that there were typographical errors with regard to the dates for which the compensation referred to above were granted and requesting for their "rectification". Although under extant regulations the order of the Ombudsman is treated as final and binding on the concerned parties, a hearing




was nevertheless granted to the party in an open court so as to enable them to present their arguments as to why they felt the Ombudsman's order contained errors.

3. During the hearing held on 28.03.2017, in which the Discom (Respondent) was also present, the Appellant's representative reiterated the position stated in their representation dated 18.10.2016 – i.e. that the Ombudsman had erred in considering the date of receipt of the application for an electricity connection filed by the Appellant as 20.05.2015, which is actually the date of registration of the application by the Discom, whereas he had applied for the connection through an email on 18.03.2015. The Appellant's contention is that the delay on the part of the Discom in installing the connection should be taken as commencing one month after this date of application and not from the date of the registration, thereby allowing him compensation for an additional period. No other issue was raised by the Appellant including the demand which he had raised in his written representation of 18.10.2016 that the rejection of compensation for the financial loss caused by the hiring of a generator be revisited. The latter clarification came in response to a specific query raised by the undersigned.

4. The matter has been reviewed in the light of the Appellant's verbal and written submissions and it is clarified that the material outcome of the verdict as delivered on 21.09.2016 does not warrant any change. A specific, conscious decision had been taken, after taking all material into consideration, that the date of commencement of the compensation awarded would be 19.06.2015, i.e. one month from the date of registration of the application for a connection by the Discom on 20.05.2015. Similarly, a considered, conscious decision had been taken not to treat the filing of an application through an E-mail on 18.03.2015 by the Appellant as sufficient unto itself as instructions/regulations provide for proper paperwork to be filed and processed. This has been touched upon indirectly in paragraph 6 of the Ombudsman's order.

5. The timeline of events listed in paragraph 3 of the Ombudsman's order is the basic framework on which the decisions have been based. A possible confusion about the intent of the order, however, seems to have arisen on account of the construction of the sentence in line 14, paragraph 8, page 4 which reads "*within one month from the date of receipt of the application...*". In order to obviate any confusion which may arise about the period for which compensation has been awarded, the word "**receipt**" is hereby substituted with the word "**registration**" so that the amended sentence will now read "*within one month from the date of **registration** of the application...*". The net effect of this amendment in syntax is to provide greater clarity and it is reiterated here that the material outcome of the undersigned's verdict of 21.09.2016 – which had been arrived at after due consideration of all pros and cons - remains unaffected.



Sundaram Krishna
(Sundaram Krishna)
Ombudsman
31.03.2017