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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-cum-Fax No.: 011-26141205)

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**Appeal No.750/2016**

**IN THE MATTER OF:**

Shri Preet Raj Joint - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 28.07.2016 passed by the CGRF- TPDDL in CG No.  
7183/04/16/SMB)

**Present:**

Appellant: Shri Preet Raj Joint

Respondents: 1. Shri Vivek, Senior Manager (Legal)  
2. Shri Amit Sharma, Officer

Date of Hearing: 05.10.2016

Date of Order: 07.10.2016

**ORDER**

1. This is an appeal (No. 750/2016) filed by Shri Preet Raj Joint, C-12, Siddarth Nagar, P.O. Jung Pura, Delhi-110014, against CGRF-TPDDL's order dated 28.07.2016 in CG No.7183/04/16/SMB.

2. The Appellant's case is that he had applied for a new connection in November, 2013 which he did not get it even after paying the demand notice issued by the Discom (Respondent), thus forcing him to approach the Public Grievance Cell (PGC) of Delhi and, subsequently, the CGRF as well. His connection was eventually granted on the latter's directions but his plea for compensation for the delay was not agreed to, hence this petition.

3. The timeline reveals the following sequence of events:

**10.11.2013** - Appellant applies for new connection.

**25.11.2013** - Discom issues demand note for Rs.3,600 which Appellant deposits two days later on 27.11.2013.

*Sharma*

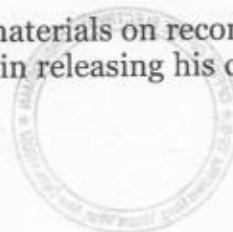


- 25.03.2014** – Discom generates a “constraint letter” to Appellant flagging a “Right of Way” (ROW) issue preventing release of connection.
- 09.10.2014** – Discom sends a refund cheque to Appellant
- 28.10.2014** - Cheque returned as “undelivered”.
- 27.08.2015** - Appellant approaches Public Grievances Cell (PGC) saying Discom has denied him the connection sought.
- 22.09.2015** - Discom releases a connection in same locality to another applicant.
- 25.09.2015** - Discom states before PGC that due to “ROW” problem, Appellant’s application could not be processed and his deposit is being refunded.
- 14.01.2016** – PGC’s order notes that Appellant has agreed to apply for a new connection afresh and Discom is directed to issue a valid refund cheque to him.
- 22.03.2016** - Appellant approaches CGRF and claims that the Discom has released two new connections to his neighbouring houses on 18.03.2014 and 22.09.2015 while his application has not been acted on. Asks for the connection he has applied for as well as compensation.
- 26.05.2016** – CGRF issues interim order asking Appellant to apply afresh.
- 01.06.2016** – Appellant completes formalities again.
- 15.06.2016** - Appellant pays Discom’s demand note charges.
- 24.06.2016** – New connection released to Appellant.

4. While the Discom has not disputed the Appellant’s contention that he had complied with the demand note raised, they hold that the grant of the connection applied for ran into technical difficulties beyond their control involving a need to augment the existing transformer and further issues regarding non-availability of a “Right of Way” (ROW). The Appellant was informed of these through a “Notification Suspension Letter” generated on 25.03.2014. The Appellant then approached the PGC which asked him on 14.01.2016 to apply afresh and approach the Discom for refund of the amount he had deposited earlier. The Appellant approached the CGRF instead, applying afresh only when the CGRF directed him so with his connection being finally released on 24.06.2016. The Discom’s plea is that there has been no delay on their part and the CGRF has rightly declined to accept the Appellant’s demand for compensation.

5. I have heard both parties and seen the materials on record. The Appellant had to approach the CGRF on account of the delay in releasing his connection which was

*Bishta*



finally done on the CGRF's direction. His plea for compensation was, however, not agreed to by the Forum on the basis of the provision under Clause 16 (x) of the DERC Supply Code and Performance Standards Regulations, 2007 which absolves the Discom of responsibility in not granting connections due to reasons beyond their control – such as ROW issues, among other things - provided these reasons are communicated to the applicant within a specified period. The Discom's argument is that the Appellant was informed of the reasons for the delay and which has been upheld by the CGRF.

6. The Discom's contention that the delay has been reasonable is, however, shaky as the timeline in paragraph 3 above reveals. Among others things, the Appellant should have been informed of the reasons for the delay within a month, i.e. 14.12.2013 which was not done. Again, the Discom's Notification Suspension Letter of 25.03.2014 reveals that the Appellant was informed of the suspension of his application and NOT its cancellation. The reason for sending the refund cheque in the first place is also not clear as, if at all it was to be refunded, it should have been sent with the suspension letter.

7. The Appellant had then approached the Public Grievances Cell in August, 2015 where the Discom stated that his application could not be processed due to a ROW problem and that his money was being refunded. Clearly, as of this date, the money deposited by the Appellant against the Demand Note was lying with the Discom. With technical difficulties finally having been overcome, a connection from the same transformer was granted by the Discom to another consumer in September, 2015. The technical feasibility for new connections was confirmed by the Discom to the CGRF when the latter, in its order of 26.05.2016, directed the Appellant to apply afresh and the Discom to release the connection which the latter eventually did on 24.06.2016.

8. There is little doubt that the Appellant was put to unnecessary harassment by the Discom. In the proceedings before the PGC, there is an entry dated 25.09.2015 showing a message from the Discom to the Appellant that "we are unable to process your new connection notification due to ROW issue and we are refunding your cheque..." Yet, a couple of days earlier, on 22.09.2015, the Discom had already released a new connection in the same neighbourhood from the same transformer which obviously meant that the ROW / overload issue was no longer an impediment. The Discom states that the deposit is being refunded when the Appellant has not asked for it – this raises another question, namely when the deposit was lying with the Discom, what was the need for the Appellant to file a fresh application? What was the impediment to processing his earlier application? It may be worthwhile for the Discom to determine why such a misleading message was put out. Again, why did the Discom keep quiet about the changed situation in the final proceedings before the PGC in January, 2016 when a connection had already become technically feasible and granted to another party almost four months earlier?

9. It has already been noted in similar cases of delay that the Discom needs to tweak its grievances response mechanism so that the peculiarities of individual cases are taken into consideration instead of going strictly by the rule book. A greater coordination between the various units of the Discom dealing with consumer affairs is also essential. An explanation offered by the Discom during the hearing was that

*Prashant*  
OFFICE OF THE ELECTRICITY OMBUDSMAN  
B-10, Pashan Marg, Indraprastha, New Delhi-110027



organizational delays were but natural and not uncommon. This is a perfectly acceptable reasoning and it would certainly be unfair to expect a hundred percent efficiency from any organization, but, when it gets stretched a bit too far, credibility suffers. In the present case, the moment the Appellant went to the PGC, the system should have provided for a warning flag to be raised indicating that there was something amiss. Had there been some kind of a feedback mechanism and a greater sensitivity to a developing situation, the issue could have easily been sorted out at the incipient stages itself instead of waiting for the directions of the CGRF before taking action. The Discom's explanation for the delay speaks more of a laxity on their part rather than externally-induced delays over which they may have had no control.

10. I, therefore, find that while the CGRF has been correct in invoking Regulation 16 (x) of the DERC Supply Code and Performance Standards Regulations, 2007, it has erred on the extent of its applicability by absolving the Discom of all responsibility in toto for the entire period the Appellant was made to chase his case. The Discom can be allowed to shelter behind this clause only up to the point when a connection became technically feasible which, in this case, can be taken as the date on which another party was granted a connection from the same transformer, namely 22.09.2015. Beyond this date, a clear deficiency in the delivery of services by the Discom emerges with absolutely no valid reasons for the continued delay in granting the Appellant's connection till June, 2016, almost nine months later and that too only after the CGRF's intervention. This should have been taken into consideration by the CGRF instead of concluding that all of the Appellant's grievances have been resolved merely by the factum of his connection having been eventually granted and glossing over the Discom's role in perpetuating the wholly unnecessary delay.

11. In my considered view, the Discom bears a definite responsibility for deficiency in services and the Appellant is entitled to relief under Regulation 16(ix) read with Entry 1 ("New Connection") of Schedule III concerning "Guaranteed Standards of Performance and Compensation to Consumers in case of Default" of the DERC Regulations of 2007 referred to in paragraph 10 supra. This compensation shall be for the period 22.09.2015 to 23.06.2016 - working out to 234 working days (excluding holidays) - and commencing from the date on which a connection to another party was granted (thus evidencing that a new connection was technically feasible from that day) to the day preceding the date on which the Appellant was eventually granted his connection. At the applicable rates specified in Schedule III, this comes to Rs. 9,360/- which shall be paid by the Discom to the Appellant within two weeks from the receipt of this order.

12. An additional cost of Rs. 2,000/- is also imposed on the Discom, payable to the Appellant on the same terms above, for the wholly avoidable harassment to which he has been put through for no fault of his. The CGRF's verdict hereby stands amended to that extent and the appeal disposed off accordingly.

*Sundaram Krishna*



**(Sundaram Krishna)**  
**Ombudsman**

**07.10.2016**