

## 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.757/2016

#### **IN THE MATTER OF:**

Shri Raj Kumar Tyagi - Appellant

Vs.

M/s Tata Power Delhi Distribution Ltd. – Respondent

(Appeal against order dated 06.09.2016 passed by CGRF- TPDDL in CG No.  
7032/11/15/SMB)

#### **Present:**

Appellant:

Shri Deepak Tyagi and Shri K B Rao, Advocate, on behalf of  
the Appellant

Respondent:

1. Shri Vivek, Senior Manager (Legal)
2. Shri Sunil Gauniyal, Manager, authorised representatives

Dates of Hearing:

06.12.2016

Date of Order:

08.12.2016

### ORDER

1. Appeal no.757/2016 has been filed by Shri Raj Kumar Tyagi, R/o Kh. No.34/20, Village Burari, Delhi-110084, against CGRF-TPDDL's order in CG No.7032/11/15/SMB dated 06.09.2016.
2. The Appellant's case is that he had applied for a domestic connection on 09.07.2015 which was declined by the Discom on the ground that the premises were located in an un-electrified area and that he could avail of a connection through the 50% cost-sharing formula provided for under Regulation 30(i) of the DERC's Supply Code & Performance Standards Regulations, 2007. His appeal before the CGRF did not bear any fruit, with the Forum observing that the Appellant had retracted from his own submission of 07.09.2015 agreeing to cost-sharing.
3. In his present appeal, the Appellant has argued that his premises where a connection has been sought falls in an electrified area, that it is located just 14 feet from an existing pole and that there are three other connections in his immediate neighbourhood. He has further stated that there is a transformer just 15 meters away and has backed up his contention by providing photographs of this transformer as well as a copy of a Khasra Girdwari for the year 2014-15 to show that the land in question is not being cultivated.
4. The Discom position, on the other hand, is the same which they have taken before the CGRF, namely that the Appellant's premises fall in an un-electrified area.

*Prishma*



They have further clarified that the demand note which had been issued to the Appellant was after he had consented in writing to share the cost of the connection on 50:50 basis as provided for under the Regulation mentioned above. Since the Appellant had subsequently gone back on his word and the area was an un-electrified, his application was declined through a suspension letter dated 09.12.2015.

5. As far as the three connections, which have been cited by the Appellant as having been already released in his neighbourhood are concerned, the Discom has clarified that two of them are located in an electrified area while the third one was released in July, 2013 prior to the clarification issued by DERC on 29.08.2013 mandating Discoms to recover half of the cost of granting connections in un-electrified areas. The Discom has also provided a sketch of the site showing that the premises of the Appellant fall in left-out pocket of Khasra No. 34/20 which has already been marked as un-electrified and updated in the DERC's list of such areas. Whether this land has been used for cultivation or not is not relevant to the issue at hand. Again, the connection released to one Rajib Singh and mentioned by the Appellant is not relevant as it falls in an electrified pocket.

6. I have heard both parties and considered the material on record. The demand note issued by the Discom to the Appellant followed an undertaking by the latter on 07.09.2015 to bear half of the costs of establishing the connections sought for and from which he later retracted, resulting in the Discom declining his connection and refunding the amount which the Appellant had paid after receiving the demand note. The basic issue reduces to the question of whether the connection sought for can be granted as the Appellant's premises are located in an un-electrified area. In order to establish this without doubt, the Discom was directed to conduct a site visit and submit an affidavit on the electrified/un-electrified status of the site in question. This the Discom has done so. Therefore, as far as the Appellant's request for a connection is concerned, the answer unfortunately, lies in the negative.

7. During the hearing, the Appellant's counsel had argued at length that an electricity connection was a basic necessity of life and that the pole from which the electricity connection had to be taken lay not more than 14 feet from his establishment. While sympathising with his position, it is to be noted that extant regulations do not permit any relaxations which, if once allowed, would only have a cascading effect. The short distance to an existing pole cannot be accepted as a mitigating factor as a physical boundary between the electrified and un-electrified areas has been established and cannot be transgressed. The only option open to the Appellant is the cost-sharing formula as provided for under Regulation 30 (i) of the DERC's Supply Code and Performance Standards Regulations of 2007, which he can avail of if he so desires.

8. Against this background, I find no reasons to interfere with the verdict of the CGRF which may stand as it is. The appeal is disposed off accordingly.

*Sundaram Krishna*



**(Sundaram Krishna)**  
**Ombudsman**  
**08.12.2016**