

**OFFICE OF THE ELECTRICITY OMBUDSMAN**  
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)  
**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**  
(Phone – cum – Fax No.011-26141205)

**Representation No.34/2018**

(Against the CGRF-BRPL's order dated 22.10.2018 in CG No.126/2018)

**IN THE MATTER OF**

SHRI SANJEEV RANJAN OJHA

Vs.

BSES RAJDHANI POWER LTD.

Present :

Appellant : Shri Sanjeev Ranjan Ojha was present in person on first hearing and Shri K.P. Meena, authorized representative on behalf of the applicant during subsequent hearings.

Respondent : Shri Prashant Saxena (Sr. Manager), Shri Deepak Pathak (Advocate), Shri Manish Kumar (Sr. Manager), and Shri Aashish Saini, DSS (C), on behalf of BRPL.

Date of Hearing: 07.12.2018, 27.12.2018 & 28.12.2018

Date of Order: 28.12.2018

**FINAL ORDER**

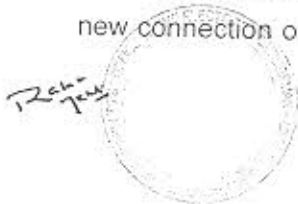
1. Shri Sanjeev Ranjan Ojha, the applicant, an IPS, R/o Q. No.1-A, Type-6A, Block-1, Hudco Place, New Delhi – 110049 (Government Accommodation) has preferred a representation against the order of the CGRF dated 22.10.2018. The instant matter came up for final hearing today i.e. on 28.12.2018. Shri K. P. Meena, appeared on behalf of the applicant. Shri Prashant Saxena (Sr. Manager) and Shri Aashish Saini, DSS (C) appeared on behalf of the BRPL.

2. Shri Sanjeev Ranjan Ojha, the applicant appeared in person on 07.12.2018, stated that an electric service connection CA No.152106385 was released by BRPL/Respondent on 02.03.2017 with a sanctioned load of 22 KW to the applicant. The applicant, further, stated that he had never applied for 22 KW load on which fixed charges had been claimed in monthly electricity bills. According to him, 22 KW sanctioned load for a residential quarter is too high and is totally wrong on technical grounds. Before release of the electric connection a technical person should have visited the site for calculating the maximum demand of the premises. He intimated that while filling up the requisite documents "Desired Load Column" in the application was left blank by him. The licensee organization (BRPL) ought to have got the application



completed and then should have sanctioned the proper load which could have been filled up in the requisite form.

3. The applicant, further, claimed that his trust has been betrayed and wrong load was filled up. Since the desired load column was blank, it cannot be presumed that the test report on which CPWD, JE gave the details of available electrical points is the desired load that the applicant wanted to be sanctioned. He has contended that BRPL had sanctioned the load wrongly on the higher side in their own interest and this is against the DERC's Guidelines. According to him, the due process has not been followed and he is now suffering because of the JE (Elect.) CPWD who had inserted wrong enhanced load. He claimed that if the DERC's extant regulations would have been taken into consideration such an issue would not have arisen. Accordingly, he has prayed that refund of the excess fixed and other charges paid to BRPL from 02.03.2017 onwards be refunded to him and he has also urged to penalize the organization for deliberately duping the consumers. In addition, he has sought for cost of litigation to be imposed on the BRPL.
4. The Respondent, in rebuttal, denied the allegations made by the applicant and stated that the CGRF in their well reasoned and speaking order was pleased to dismiss the complaint of the complainant and the said order is in accordance with law and does not suffer from any legal and factual infirmity. The Respondent further argued that the applicant had never at any point of time raised any specific reason or any substantial question of law requiring intervention of this Forum. Further, it was contended that the accommodation, being of CPWD, JE, is the competent authority to certify the requirement of load and counter signature of the complainant/consumer thereon confirms the intent, desired requirement of the sanctioned load, as prescribed under the test report. Accordingly, it was asserted that due process was followed and no injustice has been done to the applicant. Plea of the applicant for refund of fixed charges is not tenable and does not survive on legal ground since Section 115 of the Evidence Act and the doctrine of Estoppel comes into force. Accordingly, the Respondent prayed that there is no ground for interference in the order passed by the CGRF. Accordingly, the application is to be dismissed.
5. The applicant contended before the CGRF that the Respondent should have not sanctioned such a high load for this residential government quarter and should have also informed him about the actual load in use for his understanding, much before applying for reduction in sanctioned load. He did not get desired result to his complaint and, therefore, approached the forum and his complaint was registered.
6. The Respondent, in rebuttal, further argued that the applicant has applied for a new connection of 22 KW on 28.02.2017 which was sanctioned on the basis of certified



report of JE, CPWD and meter was installed on 02.03.2017. They submitted copy of letter dated 17.05.2018, sent to the complainant with MDI information of Financial Year 2017-2018 to reduce sanctioned load and refund of security amount in compliance of Regulation 17 (4) of DERC (Supply Code and Performance Standards) Regulations, 2017. According to them, sanctioned load is already reduced from 22 KW to 6 KW with effective date 14.06.2018 and incorporated in applicant's July, 2018 bill and excess security amount of Rs.6,000/- is also credited in bill. Respondent quoted Regulation 17 (3)(I), 17 (4)(I) and 17 (4)(III) and said that they have complied with DERC Supply Code, 2017 without any deviation and, therefore, the applicant is not liable to get any refund of fixed charges.

7. The applicant, further, agitated to say that the new connection application contains installed load and not the 'desired load' and, therefore, it is wrong on the part of the Respondent to sanction the connection for complete installed load instead of asking him to intimate the desired load to be sanctioned and thus it is arbitrary and unreasonable. The applicant relied on Regulation 11 (2) and 11(3)(I) of the DERC's Supply Code, 2017 according to which the load is to be sanctioned after field inspection and as per request of the applicant. He reiterated for refund of excess paid fixed charges from the date of its sanction.

8. Heard both the parties. Shri Prashant Saxena (Sr. Manager) and Shri Aashish Saini, DSS (C) appearing on behalf of the BRPL, on instruction, made an offer that considering the applicant being uniform personnel and serving in paramilitary force which are guarding our nation, could be given a concession to the extent that Rs.10,356.99 could be adjusted in the subsequent bill as a special case and requested that this should not be made as a precedence for any other identical case. It is indeed an exceptional case and any precedence thereby would cause tremendous loss to the electricity sector.

9. Considering the case in its entirety, I appreciate the magnanimity shown by the Respondent that they have given due regard to the services rendered by the personnel guarding the nation and offered to provide relief to the applicant by adjusting of certain amount of the dues which is within the powers of the authorities concerned of the Respondent.

10. Shri K. P. Meena, appearing on behalf of the applicant, on instruction, stated that the applicant desires some more amount to be adjusted as relief being provided by the Respondent for adjustment in the subsequent bill. However, he submitted that, notwithstanding the relief being provided, necessary order be passed to attain the finality.

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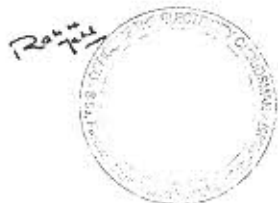
He, further, contended that it would have been appreciable if the amount due for the period March, 2017 to August, 2017 could have been deducted and rest of the amount was waived off. However, the representative, appearing on behalf of the applicant, stated that the orders be passed, would be honoured.

11. To make record straight, it is observed that the JE, CPWD had certified the installed load in 20 other connections in the vicinity. It is abundantly clear that the applicant had filed a form meant for obtaining electricity connection had the 'Desired Load' box empty. Thus the procedure adopted by the Respondent in sanctioning 22 KW load to the applicant is what they commonly used in case of government quarters wherein the installed load certified by JE, CPWD is taken as applied load and the same is sanctioned. There was never any objection to this sanctioned load even on receipt of the monthly bills containing the sanctioned load printed on top of it nor applied for its reduction ever before the Respondent's letter dated 17.05.2018 issued in compliance of regulation 17 (4) of DERC Supply Code, 2017 for revision of sanctioned load whereby the complainant was eligible to get it reduced to 4 KW but on his request Respondent reduced it to 6 KW.

12. In view of the discussion as aforesaid and the records available before the forum and considering the case in its entirety, particularly, the offer made by the Respondent to settle the dispute, the holistic view demands that the submission made by the Respondent deserves to be accepted in the given circumstances. I do not find any reason to interfere with the judgement/order dated 22.10.2018 passed by the CGRF. I tend to agree with CGRF's order which is, *interalia*, reproduced below:

*"that the complainant had no objection to his sanctioned load since beginning and continued to enjoy it till significant increase in fixed charges applied on recent tariff revision w.e.f. 01.04.2018 and now he is praying for refund of fixed charges on the basis of error in the application form for which he cannot be absolved from his own responsibility. Respondents have complied with regulations of DERC Supply Code, 2017 by way of issuing letter to seek consent before load reduction and reducing the same before date stipulated in these regulations. Therefore, the sanctioned load of complainant cannot be deemed reduced from any retrospective date and he is not entitled to get refund of fixed charges."*

13. Considering the offer made by the Respondent and the settlement arrived at between the parties certain modifications in the CGRF's order dated 22.10.2018 have been made while disposing off the instant case which will meet the ends of justice.



The amount of Rs.10,356.99 as offered by the Respondent to be adjusted in the current bill. The case is not to be treated as precedence for any other dispute/case of an identical nature. Accordingly, the case is disposed off.

14. Order accordingly.


(Rakesh Kumar Mehta)  
Ombudsman  
28.12.2018