

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. 781/2017

IN THE MATTER OF:

Shri Shishir Chand - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 25.11.2016 passed by CGRF-BRPL in CG No. 65/2016)

Present:

Appellant: Shri Shishir Chand

Respondent: Shri Anurag Gupta, DGM (KHP), Shri Ram Rattan, DGM, Shri Devashish Shaily, CO (KHP), Shri Prashant Saxena, Nodal Officer, and Shri Deepak Pathak, Advocate on behalf of BSES - BRPL

Date of Hearing: 09.05.2017

Date of Order: 16.05.2017

ORDER

1. Appeal No. 781/2017 has been filed by Shri Shishir Chand R/o D-15 (FF), 100 Foot Road, Chattarpur Enclave, Delhi -110074 against CGRF-BRPL's order dated 25.11.2016 in CG No. 65/2016.

2. The brief background is that the Appellant had filed complaints of erratic power supply with voltage fluctuations and breakdowns in his residential area which had also resulted in the adapter of his RO water system getting burnt. He had subsequently approached the CGRF following the alleged failure of the Discom (Respondent) to attend properly to his grievances. The CGRF, in turn, delivered a verdict to the effect that the Discom had made the necessary efforts to improve the power supply in the complainant's area but had been constraint by circumstances beyond their control which included lack of availability of space to install additional capacity and shortage of power to meet the full demands imposed on the system. The Forum did not grant any compensation but directed the Discom to execute the

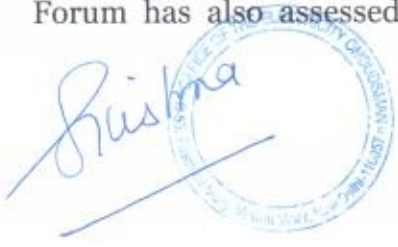


schemes they had mentioned in their response so as to rule out frequent interruptions in the power supply by the next summer.

3. Dissatisfied with this verdict, the Appellant has filed the present plaint stating that his residential area has been experiencing unprecedented power cuts and outages continuously for six months in 2015 and there has been no marked improvement at all even a year later. Despite his diligently documenting each such instance and apprising the Discom and CGRF, there has been no change in the situation. His RO's adapter was also burnt out in May, 2016 following repeated power cuts with high voltage fluctuations and a transformer blast but the CGRF took the view that this had nothing to do with the power cuts or fluctuations. Further, the Appellant has alleged that the CGRF has failed to appreciate his predicament and has been lenient by not imposing a cost on the Discom and exonerating them by relying on extraneous factors including a "national power crisis" with the latter being, in his personal view, due to rampant corruption in the power sector and unwillingness of Discoms like Reliance to invest in infrastructural upgradation rather than due to lack of resources or regulatory encumbrances etc. In summary, he has appealed in his plaint that the Ombudsman takes appropriate punitive measures against the Discom/BSES as deemed fit and proper.

4. For its part, the Discom (Respondent) has denied the allegations levelled by the Appellant, holding that nothing on record has been averred during the pleadings to show that the CGRF's verdict suffers from infirmities. Apart from stating that the complainant has failed to prove that his RO adapter got burnt due to issues with the power supply, the Discom has pointed out that the residential area in question is an unauthorised one with space constraints which prevent the execution of augmentation works for an uninterrupted power supply like enhancement of transformer capacity and construction of a sub-station and grid feeders etc. More specifically, the Discom has emphasised the unauthorised nature of this residential area in which all plots have been developed into multi-storey buildings leading to a huge increase in a number of consumers and which, in turn, has overloaded the existing transformer, resulting in its frequent tripping. Efforts have been made by the Discom to identify a suitable space for the installation of a sub-station including seeking the assistance of the Appellant and the local RWA but to no avail. An attempt at a temporary alternative solution by shifting the HT feeder's load to another feeder and install a 990 Kva transformer at another location did not work out as the land in question belongs to the Forest Department which refused permission. The Discom has added that they have done substantial work within their control through other measures like installation of another transformer elsewhere and laying of new lines and augmenting HT and LT cables in the area. According to them, the Appellant's complaint is of a generic nature and the outages the consequence of an overload on an infrastructure which is not able to keep pace with a continuously rising demand apart from practical problems in augmentation.

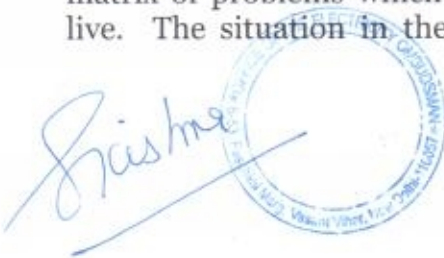
5. The purpose of this lengthy exposition is to establish the complete background against which both the parties have appeared before this Appellate Authority. I find that the CGRF has gone into the issues raised by the Appellant at length including directing the parties to make a site visit and meet the concerned Residents' Welfare Association officials to locate a suitable site for an additional transformer. The Forum has also assessed the actions being taken by the Discom and taken into



account technical constraints in meeting the power demands in an unauthorised locality where the Appellant's residence also falls before giving its verdict. The Forum has, inter alia, noted the Discom's efforts while not accepting the complainant's demand to compensate him for the damage to his RO adapter as a direct connection between this event and interruptions in power supply has not been established.

6. Having taken all factors into considerations, I find that there is no escape from the conclusion that the problems being faced by the Appellant are not unique to him but of a generic nature which impacts not only the entire residential community in the Chattarpur locality where he resides, but many other areas of this metropolis as well, particularly in unauthorized colonies. The Discom has brought out quite clearly the practical hurdles they are facing in augmenting the power supply infrastructure in an unauthorised colony where there is uncontrolled vertical development and a concomitant ever-increasing load placed on the existing supply framework. The Discom's task has not been made easier by problems of land acquisition to site an additional transformer without coming into conflict with other government departments with the Discom bringing on record a case filed by the Ministry of Environment & Forests before the National Green Tribunal in May, 2016 against the Discom alleging encroachment on a protected wetland for the installation of a sub-station. Another notice on record is from the Forest Department to the Discom in November, 2016 alleging violation of the Forest Act and threatening legal action if the transformer is not removed which the Discom had to comply with. The Discom had also sought the assistance of the concerned Sub-Divisional Magistrate through a letter in December, 2016 for identifying a suitable patch of vacant land where a transformer could be installed in public interest. Additionally, they have also brought on record a letter dated 30.09.2016 detailing the schemes under progress or under consideration for addressing the deficiencies in supply. Meeting the local RWA officials have not thrown up any solution either. In summary, I find no cogent reason to disbelieve the averments of the Discom that they are doing whatever is possible under the circumstances.

7. While appreciating the problems being faced by the complainant, it is necessary to reiterate again that they are of a generic nature relating to general conditions and/or deficiencies in maintaining power supplies by distribution companies to residential and other areas in the metropolis. The CGRF's reference to a "national power crisis" - strongly objected to by the complainant - cannot be considered as irrelevant and entirely out of context as it is an established fact of reality that we are living in an energy-deficit environment where the demand for energy in all forms continually outstrips supply with major contributory factors being an exploding population and uncontrolled urbanization. The Appellant's allegation that the "crisis" mentioned by the Forum can be attributed to "rampant corruption in the power sector and the unwillingness of discoms like Reliance to invest in upgradation of their existing infrastructure..." etc is out of context and immaterial to the principal subject of the case at hand. For that matter, there are many other civic problems citizens have to put up with ranging from improper garbage disposals to irregular water supply to inadequate educational and medical facilities. It is not the intention here to denigrate or downplay the inconvenience and harassment which the complainant is being put to but to merely flag the point that it is part of a larger matrix of problems which constitute the harsh reality within which we all have to live. The situation in the present case has been aggravated by the unauthorized



nature of the residential colony and its uncontrolled growth coupled with the absence of suitable patches of land for augmentation works.

8. Reduced to its essentials, therefore, I find no valid reason to disbelieve the Discom that they are making efforts at corrective actions within the administrative and physical constraints they are facing. Regarding the Appellant's claim that the adapter of his RO unit got burnt due to voltage fluctuations on 23.05.2016, the Discom has brought on record that of the 81 complaints received on that day, only 3 related to "D Block" where the Appellant resides and none of them concerned voltage fluctuation issues with the SCADA-based control room's record of voltage in the area on that day showing no abnormalities. The Forum has been correct in holding that a direct nexus between the adapter's failure and an alleged deficiency on the part of the Discom is not made out. I see no reason to fault the verdict of the CGRF on this count.

9. The demand of the complainant that "appropriate punitive measures" against the Discom be taken is not possible for the simple reason that it not within the powers or capability of the Ombudsman to audit and monetise the degree, gravity and quantum of harassment or inconvenience consumers have been put to on account of systemic problems. Neither is it within his remit to attempt to establish any generalized benchmarks in this regard or work out the mechanics of its reasonableness. Any such exercise would necessarily be arbitrary in nature, particularly so when the Discom cannot be faulted for a lack of effort on their part.

10. While no specific directions can be given on the appeal for the reasons elucidated above, the Discom, nevertheless, cannot ignore the fact that they are bound to ensure a basic minimum quality of service to consumers and cannot be found wanting on this count. They are, therefore, directed to continue their efforts at stabilizing the supply situation in the Appellant's area and apprise the CGRF of the outcome of these efforts – in detail - by the end of October, 2017.



(Sundaram Krishna)
Ombudsman
16.05.2017