

## **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.795/2017**

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

Shri Surinder Kumar - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 19.06.2017 passed by CGRF- BRPL in CG No. 49/2017)

#### **Present:**

Appellant: Shri Surinder Kumar

Respondent: Ms. Sharmishta Saha, Sr. Manager, Shri Parveen Bajaj, Senior Officer and Shri Deepak Pathak, Advocate

Date of Hearing: 04.10.2017

Date of Order: 10.10.2017

### **ORDER**

1. Appeal No. 795/2017 has been filed by Shri Surinder Kumar, R/o 2/20 (Front Side) First Floor, Subhash Nagar, P.O. Tagore Garden, New Delhi-110027 against the verdict of CGRF-BRPL in its order cited above.

2. The background to the appeal arises from an upward revision of the Appellant's sanctioned load by the Discom (Respondent) from 5 KW to 6 KW on the basis of the three highest Maximum Demand Indicator (MDI) readings registered by his meter during July-September, 2014 with Service Line-cum-Development (SLD) charges of Rs.4,000/- being debited to his electricity bill for April, 2015. The Appellant had challenged the imposition of SLD charges by the Discom as being "illogical", firstly before the Discom and then before the CGRF which, however, did not accept it on the ground that the charges had been imposed in accordance with Regulations 29 & 30 of the DERC's Supply Code & Performance Standards Regulations, 2007. The present appeal is for permanent stay on the demand raised by the Discom on account of SLD charges as well as complaining against the officials of the BRPL for alleged misbehaviour and not responding to his letters asking for clarifications.

3. The Discom's response is that the present appeal is not tenable and has been rendered infructuous by virtue of the fact that the SLD charges raised for an enhanced load in accordance with the MDI readings have been subsequently withdrawn in view of lower MDI readings registered during the subsequent financial year of 2016-17. No cause of action for the filing of this appeal by the Appellant, therefore, exists. As to the background against which this dispute had arisen in the first place, the Discom has stated that the Appellant had a sanctioned load of 5 KW with MDI readings showing a load of 6 KW in 2014-15 with the sanctioned load being enhanced accordingly from 5 KW to 6 KW in 2015 and the Appellant being duly informed. The demand for SLD



charges which was raised in accordance with Regulations 29 and 30 of the DERC's Supply Code referred to above, consisted of Rs.600/- as a security deposit and Rs.4,000/-, being the difference between the old amount of Rs.3,000/- which had already been paid up and the new rate of Rs.7,000/-. These charges were, however, deferred after the Appellant had approached the CGRF. During the currency of the proceedings before the CGRF, the MDI for the year 2016-17 was revised downwards from 6 KW to 5 KW, again in terms of the DERC's Code, with the Appellant being duly informed. The latter, however, declined to give his consent as required under this order to the downward revision but, instead opted to engage in litigation. Since the demand of Rs.4,600/- had not been paid/recovered, the load was reduced without his consent and the amount in question reversed in the bills, thereby removing any cause of action for further litigation.

4. I have heard both the parties and considered the material on record. It would be appropriate to dwell briefly on the legal provisions surrounding this case before proceeding further. Regulation 30 of the DERC's earlier Supply Code of 2007, which gives the scale of SLD charges, specifies only flat, slab rates with an amplification in the next regulation that SLD charges include, inter alia, the cost of GI pipes, bricks, sand, etc. No obligation is cast on the Discom to explain to the consumer whether any SLD works have actually been carried out or, if so, provide a breakup of the costs being charged to him. A subsequent amendment to the 2007 Supply Code by a DERC notification dated 29.04.2016 explicitly provided that differential SLD charges shall be charged from the consumer only in those cases where the service line has actually been changed by the Discom. This amendment is now reflected in Regulation 21 of the new Supply Code of 2017, which has taken effect from 01.09.2017, providing for SLD charges to be loaded onto the consumer only if it has actually been changed in case of enhancement of load. The benefit of these amendments will obviously accrue to the Appellant if applicable.

5. Reduced to its essentials, the appeal involves the Appellant's case that SLD charges have been foisted on him unfairly without explaining whether any actual physical upgradation of the service line is involved and the Discom's failure to attend properly to his numerous requests for clarifications, thereby compelling him to approach the CGRF for remedy. During the hearing, the Appellant was quite clear that he did NOT wish his connected load to be reduced from 6 KW to 5 KW and that he was willing to pay whatever SLD charges that were applicable provided he was given a clear definition of exactly what he has being charged for. The new Supply Code of 2017 also provides such charges to be levied if the service line is actually changed. The Discom's stand was the same as that taken before the CGRF, namely the earlier charges had been levied in accordance with the provisions of the Supply Code of 2007 but had not been actually recovered but deferred, thereby removing the cause of action for the present appeal. It would be relevant to note at this stage that the Appellant's demand for a permanent stay on the imposition of SLD charges - as contained in his plaint - cannot be acceded to as the regulations prescribed by the DERC in exercise of its powers conferred on it by the Electricity Act, 2003, cannot be overridden.

6. The overall impression is that there has been an avoidable deficiency in communications between the Discom and the Appellant who happens to be a senior citizen. The latter has dwelt at length in his plaint about the manner in which the Discom's officials dealing with this case were less than courteous apart from failing to clarify the doubts and queries which he had raised including the precise break-up of the SLD charges being sought to be imposed on him. I find no reason whatsoever to disbelieve him, even more so in view of the fact that the Discom's representative during the hearing appeared to treat this issue lightly. Furthermore, a reading of the protracted correspondence which the Appellant has had to engage in to address his grievances reveals that little effort seems to have been made by anyone in the Discom to make the




issues and its actions clear to him. It has been repeatedly emphasized in several verdicts of the Ombudsman that the Discoms need to introduce a system of customer relations which are less bureaucratic and more personalized and which taking into account the individual characteristics of the case. A greater degree of sensitivity and courtesy on the part of the Discom in dealing with customers, particularly senior citizens, will only serve to enhance its corporate image and avoid unnecessary litigation and waste of judicial time.

7. Given the deposition of the Appellant during the hearing, the Discom is hereby directed to:

- a) Accede to the Appellant's request to retain his load at 6 KW;
- b) Provide a clear definition to the Appellant and to his full satisfaction if any SLD works do indeed become necessary and, in that event, provide him with an itemized break-up the charges being imposed; and
- c) Refrain from any coercive actions like threats of disconnection.

The appeal stands disposed off accordingly.

  
*Sundaram Krishna*  
**(Sundaram Krishna)**  
**Ombudsman**  
**10.10.2017**