

**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**  
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**Appeal No. 1/2023**

(Against the CGRF-TPDDL's order dated 17.08.2022 in C.G Nos. 50/2022 to 60/2022 and Order dated 05/12/2022 in Miscellaneous Review Petition {MRA} Nos. 3/50/2022 to 13/60/2022)

**IN THE MATTER OF**

Smt. Bala Devi & Ors.

Vs.

Tata Power Delhi Distribution Limited

**Present:**

Appellant: None present

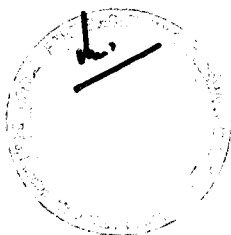
Respondent: Shri Naveen Singla, AGM, Shri Ajay Joshi, Sr. Manager (Legal) and Shri Mayur Paul, Sr. Manager on behalf of the TPDDL

Date of Hearing: 15.02.2023

Date of Order: 17.02.2023

**ORDER**

1. Appeal No. 1/2023 has been filed by Smt. Bala Devi & 10 (ten) Others through their Advocate, Shri Rishabh Singhal, against the order of the CGRF-TPDDL dated 17.08.2022 in C.G Nos. 50/2022 to 60/2022 and order dated 05/12/2022 in Miscellaneous Review Petition {MRA} Nos. 3/50/2022 to 13/60/2022). This matter pertains to the plight of eleven individuals who are living in the same area, i.e. Pocket-3, Sector A-5, Narela, with the same complaint, i.e. non-release of new domestic connection of 1-2 KW. All the complainants were represented by Shri Rishabh Singhal, advocate, before the CGRF. The CGRF passed one common order on CG No. 50/2022 in the name of Ms. Bala Devi, being the lead case, with the directions that it shall apply to all cases, i.e. CG No. 50/2022 to 60/2022.



2. The Appellant(s) had applied online for the new electricity connections on the Respondent's website and submitted/uploaded the required details. The Respondent's officials visited the site of all the Appellants and also checked the prior dues on the properties and subsequently raised the demand-notes in all 11 cases (6 in August, 2 in September, 2020 and 3 in April, 2021). Even after making payments of the demand notes, the Respondent did not release the new connections. Finally, they sent a complaint through their Counsel to the Respondent on 03.05.2022, but, it was also in vain. Subsequently, they approached the CGRF vide complaint dated 23.05.2022 through their counsel for redressal of their grievance. The Counsel, Shri Rishabh Singal filed a Joint Complaint on behalf of all the eleven complainants, pertaining to the same matter and the same area before the CGRF and, prayed (a) to direct the Respondent to release the new permanent electricity connections to all the individuals, (b) compensation @ 1.5% of the amount of demand-note as per Regulations 11(4) (v) of DERC Supply Code, 2017 and (c) litigation cost.

3. The Respondent stated before the CGRF that the connections could not be released because electrification work is yet to be undertaken to make the area/premises technically feasible for releasing connections in the area. The Respondent also stated that as per Regulation (24), in accordance with Clause 21 'Service Line-cum-Development (1) of DERC Supply Code, 2017, the scheme for electrification of Pocket-3, Sector A-5, had been prepared and shared with Delhi Development Authority (DDA), being developer of the area, vide their communication dated 17.05.2022. Payment for the above mentioned scheme is still awaited from DDA.

4. The CGRF after listening to the respective pleas and after going through the complaint and the written submissions pronounced its order dated 14.08.2022 and inter-alia directed as under:

*"We direct the Respondent to install electricity connections to the complainants from the existing network or new network with suitable capacity transformer for supplying electricity to the use of Pocket-3 residents/complainants before us at mutually agreed site as a temporary relief measure on the basis of their new electricity applications already filed earlier provided they have not encashed the cheques of demand-note refund or not accepted the refund of demand note. Respondent will be at liberty to release prepaid/post paid connections within two months time from the date of receipt of the order. It was also directed to the*



*Respondent that the interest on the amount deposited against demand-note by the complainants in the month of August/September 2020 and/or April 2022, at the applicable rates be adjusted as a security deposit once the connections are so released or adjusted in the subsequent bills.*

*Further, the Forum has not granted compensation on account of delayed refund of demand notes, due to unforeseen Covid-19 restrictions and suspension of DERC's Supply Code, 2017.*

5. On the direction of the CGRF vide its order dated 17.08.2022, the Respondent approached all the complainants vide its letter dated 26.09.2022 to apply for temporary connections, which they turned down and again filed a review petition before the Forum requesting for clarification to its order dated 17.08.2022. The CGRF passed the order dated 05.12.2022 as given below:

*"This order clearly stated that new connections of pre-paid/post paid are to be released as a temporary measure to the complainants on the basis of their new connection applications already filed earlier and demand-notes already paid by them. Hence, no further clarification is required."*

6. Aggrieved from the order dated 17.08.2022 passed by the CGRF in C.G Nos. 50/2022 to 60/2022 and order dated 05/12/2022 in Miscellaneous Review Petition {MRA} Nos. 3/50/2022 to 13/60/2022) the Appellant filed the appeal stating that the CGRF failed to consider the following grounds:

- (i) The Respondent mislead CGRF by asking for fresh application for temporary connection.
- (ii) Narela (area in question) is not an un-electrified area.
- (iii) Many electricity connections exist within the radius of 50 meters from the properties of the Appellants, which is supported by electricity bills and connectivity in the nearby areas.
- (iv) Non-compliance with Regulations 11(4)(iii) of DERC Supply Code, 2017.
- (v) No action by the Respondent for sending schemes to Delhi Development Authority for electrification of the area during the last twenty months.

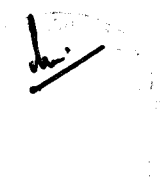


- (vi) Electricity is basic civil amenity and an integral part of Article 21 of Constitution of India.
- (vii) DERC's Supply Code, 2017 was suspended only for 57 days and 24 days in two parts during the last two and a half years.
- (viii) Demand of illegal gratification by Mr. Naveen Singla, Officer of the Respondent from the Appellant, namely Shri Krishan Chander.

And prayed:

- (a) To direct the Respondent to release the new permanent electricity connections to all the Appellants.
- (b) To impose penalty on the Respondent for non-compliance of the order of the CGRF.
- (c) Take an appropriate disciplinary action against the Respondent's employees for demanding bribe from one of the Appellants.
- (d) To initiate investigation in the matter how permanent electricity connections and commercial electricity meters were provided to the occupants of Pocket-12 and for installation of mobile tower respectively by the Respondent. This is despite the fact that the area, i.e. Pocket-12 is shown as "un-electrified" in the records of the Respondent.
- (e) To pass the direction to the Respondent for compensation for mental agony, as per DERC's Supply Code, 2017.
- (f) Award the cost of litigation expenses.
- (g) Any other relief/direction may also be passed as may deem fit.

7. The appeal was admitted and taken up for the hearing on 15.02.2023. During the hearing, Senior Manager (Legal) of the Respondent mentioned that the temporary connections have been released and installed for all the eleven applicants and therefore the grievance stood redressed. Counsel of the Appellants, during a telephonic conversation with the office of Electricity Ombudsman also confirmed about release of the connections and resolution of their grievance. He was therefore not present. When asked, the counsel didn't give any reason for the absence but conveyed that he would send an e-mail in this regard



8. An opportunity was given to the Respondent to plead their case at length. Senior Manager (Legal) as well as AGM (Shri Naveen Singla) for the Respondent mentioned that although the area is un-electrified, temporary connections were earlier released to the applicants for facilitating completion of construction. In response to a query by Advisor (Law), it was informed that 70% of Narela stood electrified as on date and that 30% of area remains to be electrified. Shri Naveen Singla, AGM, affirmed the above. Regarding allegations against him he mentioned that these were baseless and not supported by any material. It was a pressure tactics adopted by the Appellants.

9. Perusal of the record indicates that before the CGRF, the Respondent submitted that Pocket – 3, Sector A-5, Narela is an un-electrified area for which the Scheme for Electrification has been framed and the “Cost Estimate of Rs.6,12,12,992/-” was sent through communication dated 17.05.2022 to the DDA for release of the funds. Copies of various communications dated 24.08.2006, 22.09.2010, 17.09.2020 and 17.05.2022 addressed by the Manager of the Discom to the Executive Engineer in the DDA enclosed by the Discom reveal that initiative for electrification of plots in sector A-5, Pocket - 3 & 12 were taken up during 2006 and necessary follow-up action was also taken with DDA by the Discom. At the time of submission of request for funds in 2006, the cost was estimated at Rs.83,94,742.80 of which an amount of Rs.41,43,389/- was worked out as payable by DDA.

10. Controverting the stand, the Appellant in the rejoinder before the CGRF submitted that the electricity connections already existed in sub-part of pocket - 6, plot A-5 Narela and that the area was electrified in the light of Regulation 11 (4)(iii)(a) of DERC (Supply Code and Performance Standards) Regulations, 2017. It was also submitted that while the Respondent was required to put all un-electrified areas in the list as on 31.07.2017, it was apparent that since the area had not been listed as “un-electrified”, after taking care of feasibility on the basis of the applications for new connections submitted, demand notes were issued. The Respondent mislead the CGRF although various electricity connections were provided from the same electrical lines in pocket 12, Sector A-5, Narela. In the appeal, the Appellant has also asserted that although the DERC Regulations, 2017 were suspended only for a specified period from 27.04.2021 to 22.06.2021 (total 57 days) & from 10.01.2022 to 03.02.2022 (total 24 days), there was a delay of more than 20 months which remained unexplained. The directions of the CGRF for installing suitable capacity transformer as a part of temporary arrangements for release of connections

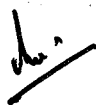


have also been ignored. There has also been allegation of demand of illegal gratification by an officer, Naveen Singhla, from one of the Appellants.

11. In rebuttal of the submission by the Appellants, the Respondent in its written submission has stated that after assurance from DDA, they have initiated the process for release of permanent connections after making necessary arrangement for the same. They would in all probability be in a position to release the connections by the first week of February, 2023. An e-mail communication dated 11.02.2023 has also been received from Shri Ajay Joshi, Sr. Manager (Legal) in the Discom which mentions about the release of all 12 pending connections with meters installed at the site. Besides details of communications sent to DDA by the Discom, a copy of joint site visit report with DDA on 26.03.2021 and 08.04.2021 has also been enclosed.

12. It needs to be mentioned that on the basis of a joint inspection carried out by Shri O. P. Singh, Advisor (Engineering.), O/o Electricity Ombudsman accompanied by Respondent's officials and DDA officials on 08.02.2023, it has been confirmed that necessary poles have been erected in the area and meters have been installed at the site in seven cases and in four cases steps for installation were in progress. Relevant photographs have also been submitted for consideration.

13. As per the DDA Act, 1957, the objective of DDA is to provide for the development of Delhi according to plan. This case appears to be a matter of blatant apathy by the DDA in approving the funds for electrification of the plots in Pocket 3 & 12 of Sector A-5, Narela. There was failure by the DDA in discharging its role as a development authority since there is no explanation on record for the delay during the period 2006 to 2022, for providing necessary funds to the Respondent. *The Supreme Court of India in the case Criminal Appeal No. 810 of 2022, title Dilip (Dead) through LRS. Vs. Satish & Others, vide its order dated 13.05.2022 has recognized that it is a settled proposition of law that electricity is a basic amenity of which a person cannot be deprived.* Reverting to the stand of the Respondent, a duty was cast upon them by virtue of provision of Section 43 "Duty to supply on request" of the Electricity Act, 2003 which lays down that "every distribution licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply xxxxxxxx".



14. DERC in its Regulation 11 (2) of Supply Code, 2017 provides for a Field Inspection in all cases of new connections and in Regulation 11 (4) "Energization of Connection", it enables the licensee to not sanction the load, if it is found as per Regulation 11 (2) (i) & 11 (4) (v)(c) that energization would be in violation of the provisions of the Act, electricity rules and regulations or other requirements. On the basis of this satisfaction under Regulation 11 (3) "Load Sanction and Demand Note" is to be issued within two days of inspection and thereafter the process for energization of connection as per Regulation 11 (4) supra.

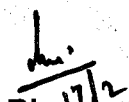
15. Going by the arguments of the Respondent that the area was un-electrified, the procedure laid-down under Regulation 11 (4)(i)(ii) is required to be followed but no communication whatsoever appears on record which would indicate that the Respondent had at any time taken up the matter with the DERC at any stage as contemplated in the provision of Supply Code, 2017 or in the Section 43 of the Electricity Act, 2003.

16. Since electricity has been recognized as a right, it would attract violation of Article 21 of the Constitution involving deprivation of liberty without adherence to a procedure of Law. At no stage, the Respondent took up the matter with the DERC during the period 2006-2022 for enabling DERC to step in and facilitate energization of the area. There is also no answer by the Respondent to the fact that certain areas and pockets already have permanent electricity connections as alleged by the Appellant and no justification is offered for the partisan attitude, besides the inability to take follow up action on a regular basis with the DDA. Writing four letters in a span of 17 years is not a follow up but a sham. Having considered the matter in totality, this Court, therefore, directs as under:

- (a) The order of CGRF has been complied with so far as providing temporary connections are concerned. The second part of CGRF order with respect to interest on demand-note may not be implemented, instead this court awards a monetary relief of Rs.2,000/- to each of the eleven appellants for the mental agony/harassment suffered by them. The relief given would act as a nudge for officers of the Respondent to be more active towards making their organization consumer-centric.



- (b) For the mental agony, harassment and suffering of the 11 Appellants on account of inaction by the DDA for many years and particularly for over 20 months after joint inspections during March / April, 2021, it will be open for them to approach the jurisdictional Consumer Forum for claiming compensation for violation of their rights from the date of application submitted to the Respondent and the date of release of connections in the light of the stand taken by the Respondent about apathy and inaction by DDA in release of appropriate funds for electrification. There is failure on the part of Delhi Development Authority in discharge of its functions and duties assigned.
- (c) CEO-TPDDL may order an enquiry by their Vigilance Department into allegation of demand of illegal gratification by the officer 'Naveen Singhla' and initiate necessary action on the basis of outcome of the enquiry. In this connection, one of the Appellants who made the specific complaint, may be contacted and his statement recorded.
- (d) CEO would also write to the Vice Chairman, Delhi Development Authority appropriately highlighting the delay in depositing the development/electrification charges for the above pockets leading to enhancement of costs phenomenally and consequent loss to exchequer. A copy of this communication may also be shared with this office.
17. A copy of this order be also sent to the Secretary, DERC for placing before the Commission for appropriate directions to various Discoms for addressing the agony and sufferings of consumers in similarly placed areas in their respective jurisdictions.
18. The compliance of the above order be made within 30 days of the issue of order. The appeal is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
17.02.2023