

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 No: 011- 26144979)

Appeal No. 08/2022

(Against the CGRF-TPDDL's order dated 30.09.2021 in CG No. 12/2021)

IN THE MATTER OF

SHRI RAM PRASAD YADAV

Vs.

BSES RAJDHANI POWER LTD.

Present:

Appellant : Shri Yogesh Yadav, S/o Shri Ram Prasad Yadav

Respondent: Shri S. Bhattacharjee, Sr. Manager, Shri Abhishek Karmakar, Sub-Divisional Officer and Shri Deepak Pathak, Advocate, on behalf of BRPL

Date of Hearing: 30.05.2022

Date of Order: 31.05.2022

ORDER

1. The appeal No. 8/2022 has been filed by Shri Ram Prasad Yadav, R/o D-73/D-5, Street No. 5, Sangam Vihar , New Delhi - 110080, against the order of the CGRF-BRPL (Forum) dated 30.09.2021 passed in CG No. 12/2021. The issue concerned in the Appellant's grievance is regarding award of compensation on account of deficiencies in service, harassment and other monetary loss.

2. The case is that the Appellant sent a letter to the Respondent in February, 2019, regarding replacement of the defective service cable of the meter bearing CA No. 101717959 installed at the aforesaid premises, which may pose danger to life. The Appellant again sent another letter in December, 2019 to the Respondent for the same complaint along with disruption of electricity supply to his house.



2.1 In December, 2020, the Appellant approached the CGRF and submitted that the Respondent had failed to change the defective service cable without justification and reasonable cause. Therefore, due to gross negligence and apathy of the Respondent, he suffered mental torture, harassment, monetary loss and this also has potential to put his life and property in danger. In view of the above he is entitled for compensation for harassment, mental torture and monetary loss and prayed that:

- (i) to change the defective service cable with immediate effect.
- (ii) the Respondent be penalized stringently with exemplary cost for non-compliance of public safety norms and regulations and putting his life and property in danger.
- (iii) to award compensation of Rs.2.00 lakh for causing harassment, mental agony, monetary loss and facing acute inconvenience.
- (iv) any further relief/s which the Forum feels just and proper, may also be granted.

3. In response, the Respondent submitted before the CGRF that the complainant is hiding the facts associated with the case and the claim is denied. The complainant failed to produce even single evidence sustaining the allegations because as and when the complainant approached them, his concerns were promptly attended to and were also resolved.

3.1 In this regard, the Respondent submitted that on receipt of the first complaint on 21.02.2019, the site was visited by the officials on 23.02.2019 and found that the service cable was intact and no fault in the cable was found. The same was communicated to the complainant. This is also evident from the fact that the complainant had no complaint till the next ten months, and it is only on 17.12.2019, when he raised another complaint about power disruption. This complaint was also immediately attended to and no fault in service cable was found and it was only a loose connection at the Distribution Box, which was immediately tightened. There had been no power disruption at his premises, which can be substantiated by the average consumption recorded six months prior to his first complaint, i.e. on 21.02.2019. The decision regarding replacement of service-line is always a prerogative of the Discom after inspection and in this case, the line staff found the service cable intact and healthy.



3.2 Further, the Respondent stated that the said area i.e Sangam Vihar, has very congested and narrow lanes. The complaint of loosening overhead cable connections from the passing vehicles is a routine feature. In all such instances, the officials of the Respondent immediately attend the calls and ensure the restoration of power, which was even performed in this case and was notified to the complainant to his satisfaction.

3.3 Again for the entire next year, i.e. 2020 the complainant had no service issue. The Meter Reader downloaded the readings on regular basis and had never been disputed by the complainant and had been regularly paying the energy consumptions bills. The complainant had raised the issue before the CGRF after one year, i.e. on 02.12.2020.

3.4 Further, in compliance with the directions of Delhi Fire Services Authorities, the meter was to be shifted outside the premises. Accordingly, the existing meter was shifted outside the premises by replacing the old meter. Since the existing service cable became short, due to the relocation of the meter, the service line was also replaced. The Respondent also stated that since February, 2019 till date, not even a single incidence occurred at the site.

4. The CGRF had noted the breakdown of compensation of Rs.2.00 lakh sought by the complainant as Rs.73,000/- on account of harassment considering each day of default period of two years under Regulation 13(iii) under Schedule - I, Guaranteed Standard of Performance and Compensation to Consumers in case of default and read with Regulation 2 (26) of DERC's Supply Code, 2017 and Rs.1,27,000/- on account of litigation cost and miscellaneous expenses borne by the complainant.

4.1 The CGRF ordered that *"the complainant had failed to place even single evidence on record substantiating the alleged harassment by the Respondent and that every time when the complaint was made by him, the same was attended. The Respondent had placed the consumption data of the complainant's electricity connection, which is sufficient to depict that the consumer was enjoying the uninterrupted supply of electricity. The Statement made by the Respondent is in order because no complaint was made by the complainant regarding power disruption for almost twelve months, as he filed complaint before this Forum in December, 2020, which shows that the complainant is not having any issue, and was getting uninterrupted supply which is also clear from the energy consumption report. We feel that no claim of any compensation is made out to the complainant."*



However, CGRF felt that the maintenance of the infrastructure and wiring should be in a good condition and they should always ensure that no accidents and mishap happen and being a service provider, it is their part of duties and responsibilities."

5. Being aggrieved with the order of the CGRF, the Appellant filed this appeal on the grounds that:

(a) The Forum ignored that in spite of writing various complaints regarding the defective service cable, the Respondent deliberately failed to resolve the complaint. The CGRF instead of fixing accountability or taking the action against Respondent, rejected bona-fide claim and remedy to him.

(b) The Forum completely ignored the statutory rules and provisions while passing the order under Regulation 68- General and 69 - Procedure of lodging complaint, under Chapter - VIII - Complaint Handling Procedure of DERC's Supply Code, 2017.

(c) That due to delay of two years in replacing the defective service cable, he had to suffer undue mental agony, harassment and danger to life due to probability of short circuit. The Respondent is liable to pay compensation as per Regulation 13 (iii) read with Regulation 2 (26).

(d) And prayed that to direct the Respondent to pay compensation to the tune of Rs.2.00 lakh along with the cost of litigation on account of deficiencies in service, mental torture, harassment, and other monetary loss.

6. The appeal was admitted on the basis of documents provided by the Appellant and date of hearing was fixed for 30.05.2022. On the date of hearing, both the parties were present. The Appellant was represented by his son (Yogesh Yadav) whereas the Respondent was represented by Shri S. Bhattacharjee, Shri Abhishek Karmakar and their counsel Shri Deepak Pathak. Opportunity was presented to both the parties to put up their contentions and the replies thereon.

From the facts of the case, as disclosed on the basis of available records and out of discussions during the course of hearing, it has transpired that though no physical and financial damage, loss or harm has been caused to the Appellant, which might otherwise could have invited penalty or compensation or



both. I have also gone through the records very minutely and I am of considered opinion that there is no reason to interfere with the order of the CGRF.

7. However, the role of the Respondent has definitely been found not only casual but more or less lackadaisical and callous. It's always expected from a service provider, like, the Discom (Respondent) that every complaint of the consumer must be attended to with all seriousness and responded through written reply to the satisfaction of the complainant. However, here in this case, it has been found that the Respondent, despite several complaints by the Appellant on different occasions, kept on responding only verbally and there was no response to the Appellant in writing. Such approach on the part of the Respondent is certainly not acceptable and needs to be corrected by taking proper and concrete actions quickly in respect of the complaints about the deficiency in service. Showing apathy in such type of cases by the Respondent only amounts to negligence which in my considered opinion definitely lacks the sense of responsibility and reasonability. Notwithstanding, this observation is brought to the notice of the senior functionaries of the Respondent so that appropriate corrective action is taken in a time-bound fashion.

8. The appeal is disposed off accordingly.



(P.K.Bhardwaj)
Electricity Ombudsman
31.05.2022