

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. 12/2020

(Against the CGRF-BRPL's order dated 12.12.2019 in CG No. 53/2019)

IN THE MATTER OF

SMT. MAMTA

Vs.

BSES RAJDHANI POWER LTD.

Present:

Appellant : Smt. Mamta (Appellant) along with her husband
Shri Vikram Mehlawat

Respondent: Shri Brijendra Bhaskar Manager (PS), Shri Sunil Kumar (Engineer)
and Shri Deepak Pathak, Advocate, on behalf of BRPL

Date of Hearing: 10.09.2020

Date of Order: 28.09.2020

ORDER

1. The appeal No. 12/2020 has been filed by Smt. Mamta, against the order of the CGRF-BRPL dated 12.12.2019 passed in complaint No. CG-53/2019. The issue concerned in the Appellant's grievance is regarding intentional delay in the release of new electricity connections by the Discom (Respondent) in respect of her property, bearing House No. 19/9, Kishangarh, Vasant Kunj, New Delhi - 110070.

2. In the instant appeal, the Appellant submitted that she had applied for six new electricity connections on 27.02.2019 on her property, for which survey was carried out by the Discom official on 25.03.2019, but he did not submit any report either for acceptance or rejection of the applications for the release of electricity connections even after making many requests by her. She then visited the office of the Discom on 16.04.2019 to enquire about the status of these connections, wherein she was informed that her new electricity connections registration had become invalid as it has crossed the time limit of one month. Thereafter, she again applied for the new electricity connections on 16.04.2019, for which the survey was again carried out on 18.04.2019, by the same official who had visited earlier, however, on this occasion he was also accompanied by the Area Manager of the Discom. This time again they did not submit any report whatsoever. She then lodged a complaint on 02.05.2019 with the Customer Care of the Discom stating all the above facts, wherein her case was instantly rejected due to the reason that the height of the building, where new electricity connections have been applied for, is more than 15 meters and therefore 'Fire Clearance Certificate' is required to be submitted in order to process the case further. After lot of persuasion with the Discom, when the electricity connections were not released by them, she was forced to file the complaint with the CGRF for redressal of her grievances.

The Appellant further submitted that during the hearing in the CGRF, the Discom, however, accepted her contention that the building height is within the permissible limit. When it became clear to them that their earlier objection of building height more than 15 meters had not sustained, they raised another set of objection, stating that the chain of property papers were required for processing the case further. She also stated that the above sequence of events clearly depicts that the Discom intentionally delayed her case due to the personal ego of the concerned official and she was unnecessarily harassed by the Discom. Finally, after the intervention of the CGRF she got an interim relief and her electricity connections were released by the Discom on 09.12.2019 after a delay of more than nine months.

The Appellant further contended that during the hearing in the CGRF itself, she had to undergo a surgery for the donation of her kidney to her uncle and, therefore, she was confined to bed rest for around three months. In view of the same she could not attend the last hearings in the CGRF on two consecutive dates, during which period her case was disposed off as settled, since her

electricity connections had been released. Her case was settled in her absence in spite of the fact that she had intimated to the CGRF in this respect, through an E-mail, which was not taken into consideration. The Appellant further submitted that although she got an interim relief in the form of installation of the electricity connections, yet she is not satisfied with the judgement, as the CGRF did not impose any penalty on the Discom, for the harassment she had undergone at the hands of their officials, on account of the delay in release of the electricity connections. She also argued that her building consists of three floors and each floor has three flats which were to be given on rent but she could not rent them out for nine months starting from March, 2019 onwards till December, 2019, due to non-availability of power supply. Had the connections been released in March, 2019, she would have rented them out in March, 2019 itself, and in the process she has incurred a financial loss of around of Rs.6,75,000/- @ Rs.75,000/- per month during this intervening period of nine months.

In view of above, as the Appellant was not satisfied with the final decision of the CGRF, she has preferred the present appeal and has prayed for the relief as under:

- Award Rs.6,75,000/- as compensation to the complainant for providing the deficient services and causing mental agony, pain and suffering caused to the complainant.
- Award a cost of Rs.5,000/- towards litigation expenses in favour of the complainant and against the opposite party.
- Request vigilance enquiry against Shri Sunil Chaudhary & Shri Surender Kumar for harassment and delaying the case.
- Pass any further order which this Hon'ble Forum may deem fit and proper in the facts and circumstances of the case.

3. The Discom in its reply submitted that the Appellant applied for six new electricity connections on 27.02.2019, which were rejected by them for the reason "No Document submitted by the Consumer". Subsequently, the Appellant again applied for new electricity connections on 16.04.2019, which were also rejected by them, for the reasons "Building height more than 15 meters, Fire Clearance Certificate Required, System Augmentations Required and Distribution

Transformer Overloaded". The Discom also submitted the copies of the deficiency letters issued on both the occasions alongwith its written statement in order to substantiate the rejection of the electricity connections. The Discom further stated that as per Section 7 Clause (2) of the Delhi Electricity Regulatory Commission Guidelines, all the multistoried buildings having height more than 15 meters, shall also comply with the clause 36 of the Central Electricity Authority (Measures Relating to Safety and Electricity) Regulations, 2010 and amendments thereof. In view of the same they cannot release the electricity connection for the buildings whose height is more than 15 meters merely on the basis of Architect Certificate and the same reasons were communicated to the Appellant by the Customer Care Team vide email dated 15.05.2019.

The Discom further stated that during the hearing in the CGRF, the Appellant submitted that the electricity connections were being sought in the middle portion of the plot which is already divided between three separate dwelling units and that the height of the said portion is within permissible limits. The same was dully acknowledged by them but since the Appellant had not provided the required documents establishing the proper chain of ownership, so the said connections could not be released. However, on 19.11.2019, the Appellant submitted the proper chain of documents which were dully verified by them and the required demand-notes were generated for release of the electricity connections. The Discom also submitted that after the payment of demand-notes by the Appellant, all the six electricity connections were released on 26.11.2019. In view of the above, the Discom stated that they have followed due process of release of new electricity connections as entailed in DERC Supply Code and Performance Standards Regulations, 2007 and whatever delay has occurred, the same has been on account of insufficient documents on the part of the Appellant.

During the course of hearing, the Discom argued that with regards to the question of harassment, unless all the relevant documentary support is submitted by the consumer the connections are not granted and in the present case the Appellant had failed to submit the required documents. The connections were released immediately after the documents were presented by her. In view of the above, the Appellant has to establish the case for deficiency in their services for eligibility of any kind of compensation whatsoever. There has been no delay on the part of the Discom and the contention of the Appellant regarding financial loss on account of delay in release of connections is not sustainable. In view of above background, the Discom requested to dismiss the appeal filed by the Appellant.

and sustain the order of the CGRF. The Discom further requested that the prayer for award of compensation and cost of litigation along with the request for enquiry of any kind against any of the official/officer of the Discom be also dismissed, notwithstanding the fact that the Discom did not raise any objection to the prayer of compensation raised by the Appellant before the Ombudsman.

4. After going through the material on record and having heard both the parties, the basic issue revolves around a delay between the Appellant's applications for new electricity connections in February, 2019, its final grant in November, 2019, only after the intervention of the CGRF and Appellant's demand for compensation against the financial loss caused on account of the fact that she could not rent out the flats for a period of around nine months due to non-availability of power supply.

A look at the timeline of events in outline reveals the following:

- (a) 27.02.2019 - Appellant applied for six new electricity connections.
- (b) 25.03.2019 - Field inspection carried out by the Discom officials. No survey report handed over to the Appellant.
- (c) 16.04.2019 - Appellant visited the office of the Discom wherein she was informed about the cancellation of the connections registration due to crossing of time limit of one month.
- (d) 16.04.2019 - Appellant again applied for the electricity connections afresh.
- (e) 18.04.2019 - Field inspection carried out by the Discom officials. However, again no survey report given to the Appellant.
- (f) 02.05.2019 - Complaint lodged by Appellant with Customer Care Cell of the Discom.
- (g) 15.05.2019 - Appellant's case rejected by the Discom on account of building height more than 15 meters, Fire Clearance Certificate required.

- (h) 27.05.2019 - Appellant files a case before CGRF.
- (i) 28.05.2019 - Case referred to the Discom by the CGRF.
- (j) 01.06.2019 - Trail of E-mails by the Appellant in pursuance of
&13.08.2019 her case and intimating the building height to be
13.02 meter which is less than 15 meters.
- (k) 30.08.2019 - Complaint admitted in CGRF
- (l) 26.11.2019 - New electricity connections granted by the
Discom.

5. To recap quickly, the Appellant's case is that, despite exchange of considerable correspondence with the Discom, no substantive action was taken by the latter for the grant of electricity connections sought, forcing her to approach the CGRF on whose orders alone the Discom finally acted. During the hearing, the Discom could not offer any plausible reason for not indicating all the deficiencies in the application form for new electricity connections to the Appellant in one go, which they were required to do so as per the Clause 11 (i) (iv) of the Supply Code Performance Standard Regulations, 2017. Similarly, the Discom could not produce any documentary evidence of having intimated the Appellant in writing about the defects/deficiencies observed, if any, during the Field Inspection either on 25.03.2019 or 18.04.2019, which they were supposed to do so as per the Clause 11 (2) (v). In addition to above, the Discom could not offer any sufficient reasons either through their written submissions or during the hearing for not processing the case of the Appellant for release of electricity connections in a time bound manner as stipulated under the Regulations. Had, thus, the Discom strictly adhered to the provisions of the Clause 11 of the DERC Supply Code and Performance Standards Regulations, 2017, and more particularly to the clause 11 (2) (v), which bestows upon the Discom the responsibility to intimate all the deficiencies to the Appellant during their first site visit/inspection, this situation could have not occurred which is a clear lapse on the part of the Discom. It has been observed that it is a very clear case of deficiency of service on the part of the Discom in not providing the electricity connections to the Appellant in time bound manner according to laid down norms for providing electricity connections to the consumers as stipulated vide the Regulation 11 of DERC Supply Code and Performance Standards Regulations, 2017. The Discom thus

has faulted and failed in their duty and caused an abnormal delay in providing electricity connections to the Appellant without assigning any plausible reasons and causes of such delay. This is thus a serious breach in the quality of customer services on the part of the Discom, due to which a bonafide consumer has been put to avoidable harassment. Thus, the main issue of compensation to the Appellant needs to be looked into in a fair and judicious manner.

Regulation 11 of DERC Supply Code and Performance Standards Regulations, 2017, clearly lays down, inter-alia, time frames for the processing of application for new electricity connection wherein the applicant has to be intimated of deficiencies on the spot or within stipulated 2 (two) days in case of online application, as the case may be, followed by a field inspection of the premises within next 2 (two) days from the date of acceptance of the application. The deficiencies in the application form are to be indicated in one go only and no new deficiency shall be raised subsequently. During the field inspection applicant shall have to be intimated in writing on the spot about all defects/deficiencies, if any, observed therein. Again a demand-note has to be issued within 2 (two) days of field inspection. The total time for release of electricity connection, as per the regulations, should be within 7 (seven) days of the acceptance of the application. The timeline of events described in paragraph '4' above clearly show an abnormal delay amounting to serious deficiency in complying with these requirements on the part of the Discom. In the background of above, the Discom bears a definite responsibility for deficiency in services and the Appellant is entitled to relief under Regulation 11 read with Sr. No. 1 of Schedule - I concerning "Guaranteed Standards of Performance & Compensation to Consumers in case of Default" of the DERC Supply Code and Performance Standards Regulations, 2017.

6. Both the parties have blamed each other during the hearing wherein the Appellant claims that the Discom had deliberately adopted delaying tactics while the Discom in turn, has accused the Appellant of not completing the various formalities/deficiencies. Without getting into the details of the mutual blame game indulged in by both the parties to this case, it is sufficient to note that there was a legal obligation imposed on the Discom to provide the electricity connections within 7 (seven) days from the initial date of receipt of application, which in the instant case was 27.02.2019. Hence, the delay on the part of the Discom can be taken to have commenced 7 (seven) days later, from 07.03.2019 till 30.08.2019, the date on which the Appellant's case was admitted

in the CGRF. After considering all the facts and circumstances of the case, it is prudently considered that the period of compensation be restricted to 30.08.2019, the date on which the complaint of the Appellant was admitted by the CGRF, as the matter had already come into cognizance of the CGRF, who had admitted the case for hearing and the Discom thus had to wait for the decision of CGRF for taking further necessary action in the matter. Accordingly, the Discom is hereby directed to pay compensation to the Appellant for the period 07.03.2019 to 30.08.2019 which works out to 177 days, separately for all the six electricity connections, as per the applicable rates as prescribed in Schedule- I of the DERC's Regulations, 2017. As per Sr. No. 1 of Schedule - I of the Regulations, 2017, the compensation payable to the consumers for the period of default in case of violation of standard is 1.5% of the demand charges deposited by the consumer for each day of default. In view of above, the Discom is directed to pay the compensation to the Appellant as per the above decision within three weeks from the receipt of this order.

The contention of the Appellant regarding compensation on account of non-renting out of her flats etc. cannot be considered as the same is merely based on the presumption and cannot be attributed to the Discom and the Discom cannot be held vicariously or secondarily liable for the same or its consequences. Accordingly, the Appellant's claim for compensation in this regard is not sustainable. Regarding vigilance enquiry as prayed by the Appellant, this is not in the purview of the Ombudsman to initiate any punitive action in form of ordering for a vigilance enquiry and the same may be taken up by the Appellant with the appropriate authority, if the Appellant so desires.

The appeal is disposed of accordingly.

504
28/9/2019
(S.C.Vashishta)
Electricity Ombudsman
28.09.2020