

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. 12/2022

(Against the CGRF-BRPL's order dated 21.03.2022 in CG No. 145/2021)

IN THE MATTER OF

Shri Mohd. Hasan Siddiqui

Vs.

BSES Rajdhani Power Ltd.

Present:

Appellant : Shri Mohd. Hasan along with Shri Hemanta Madhab Sharma,
Authorized Representative

Respondent: Shri S. Bhattacharjee, Sr. Manager and Shri Arav Kapoor,
Advocate, on behalf of BRPL

Date of Hearing: 26.08.2022

Date of Order: 29.08.2022

ORDER

1. Appeal No. 12/2022 has been filed by Shri Muhammad Hasan Siddiqui, R/o House No. - 40, Third Floor, Khasra No. 63, Harijan Colony, Begumpur, New Delhi-110017, against the order of the Forum (CGRF-BRPL) dated 21.03.2022 passed in CG No.: 145/2021. The issue concerned in the appeal is grant of compensation for delay in release of a new electricity connection.

2. The background of the case is that the Appellant had applied for new connections vide application Nos. 8005091582 & 8005091593 on 18.08.2021 for the upper ground floor and third floor of the above said premises but the Respondent had rejected the same vide their letters dated 21.09.2021. The Appellant duly replied to this letter to the Respondent on 29.09.2021 but connections were not released. Subsequently, the Appellant approached the CGRF with the prayer to direct the Respondent to release the new connections



immediately under Regulation 11 of the DERC's Supply Code, 2017 with necessary compensation as prescribed under the above code.

3. After the intervention of the CGRF, the Appellant had completed the commercial formalities and both the electricity connections were installed on 10.10.2021 & 01.01.2022 against Application Nos. 8005091582 and 8005091593 respectively. The CGRF in its order stated that:

- (a) With regard to Application No. 8005091582, they accepted the contention of the complainant and directed the Respondent to pay the compensation @1.5% of the demand-note amount deposited by him for the period from 25.08.2021 (from the 8th day of acceptance of application) till 10.10.2021 (date of energization of connection).
- (b) With regard to Application No. 8005091593, the complainant was also equally responsible for the delay in release of electricity connection, since the floor shown by the complainant was different from the floor having been applied for and the height of the top floor was also found to be above 15 meters. The contention of the complainant that there is stilt parking hence the height should be taken as 17.5 meters. The Respondent rejected the contention while saying that the stilt parking has a flat and hence the height of top floor has to measure with 15 meters clause. The above discussion or claims/ counter claims seems to be irrelevant as the Appellant had applied connection for third floor vide Application No. 8005091593. The Respondent further contended that connection was released on 01.01.2022 immediately after the request was received from the complainant on 31.12.2021 for release of connection on the third floor, which falls under the permissible height limit. Since the delay in releasing the connection on the part of both the parties, the complainant is not entitled for compensation in the said case.

4. Aggrieved by the CGRF-BRPL order dated 21.03.2022 not acceding to his request for grant of compensation for delay in energization of connection vide his Application No. 8005091593, the Appellant filed this appeal with the prayer to set-aside the Forum's order and provide necessary compensation as per Regulations, Schedule-I, Regulation 11 (2) & (3) of Delhi Electricity



Regulatory Commission (Supply Code and Performance Standards) Regulation, 2017 and Regulation 15 (14) of DERC's Notification dated 08.03.2018.

5. The above appeal was admitted and hearing was fixed for 26.08.2022. During the hearing, both the parties were present. An opportunity was given to both the parties to plead their case at length.

6. The Appellant represented through Shri Hemanta Madhab Sharma contended on the lines of appeal. The Appellant conveyed that there was delay on the part of Respondent i.e. (i) responding to his application, (ii) carrying out the site inspection, (iii) in responding to the complaint/appeal of the Appellant in the form of written statement, (iv) in reconciling with the application of the Appellant i.e. applied for third floor or the top floor and (v) releasing the connection. The Appellant also indicated the delay in deciding the case by the Ombudsman also. The Appellant also contended that there was certain bias in favour of the Respondent by the CGRF during the hearing and also passing the order. The Appellant prayed for compensation for the delay in releasing the connection as per the extant regulations.

7. The Respondent reiterated the same before the CGRF that on 07.09.2021 the executive of the Respondent called the Appellant on the contact number mentioned in the application, but he did not respond, so the site could not be verified. Subsequently, the link with rejection details was sent to his registered mobile number. The Respondent further stated that on 13.09.2021, the site was re-visited. During the site visit the applicant showed the top floor (fourth floor) of the property, whereas the application was for electricity connection on the third floor. When asked by the Appellant to clarify whether he had applied for the same floor or the third floor, because the applied floor was different from the floor shown by him, there is no clarity. This fact was duly acknowledged by the Appellant himself and the site visit report was duly signed by him. The Appellant was clearly told that no connection can be released on the floor beyond the permissible limit of 15 meter so the applicant agreed to get the connection on the third floor and gave a written request. Subsequently, on receipt of a request letter from the Appellant on 31.12.2021, the demand note was immediately generated and handed over to him. However, the Appellant showed his inability in making payment on the same day and requested to get the amount of the demand-note adjusted in future bills. On oral request of the



Appellant, the demand note was auto debited and connection was released on the same day. The electricity meter was installed on 01.01.2022.


8. I have gone through the appeal, written statement of the Respondent very minutely. Relevant questions were also asked and queries raised by the Ombudsman, Advisor (Engineering) & Advisor (Law) on some issues to get more information. I have also gone through the relevant regulations in minute details. After listening to the contending parties, and after going through appeal, the written statement, the relevant regulations of DERC, I am of considered opinion that there is a definite delay in releasing the connection against Application No. 8005091593 dated 18.08.2021. As per regulations, the connection should have been released in about 7-35 days which includes application, site inspection, deficiency note, removing the deficiencies, demand-note and finally energizing. Maximum 35 days have been shown as it may include 30 days given to the consumer/applicant to remove the deficiencies/defects. In the instant case there was delay in the site visit, delay in giving the deficiency report, delay in reconciling the request in application. These delays cumulatively led to the delay in energizing of the electricity connection.

9. In view of the above discussion, I am inclined to set-aside the order of the CGRF not giving suitable compensation to the Appellant by saying that the delay was caused by both the parties in question. It is a fact that the Appellant had requested for connection for the third floor and had not changed the request in writing for the top/fourth floor. The contention of the Respondent that during the site inspection on 13.09.2021 the Appellant had only shown the top floor. Subsequently, the Respondent submitted a report on the above lines and did not verify the actual floor to be energized. In the report he mentioned fourth floor and also conveyed during the hearing the illegality of fourth floor and the height of fourth floor i.e. 15.5 meters (which is more than 15 meters) and hence connection could not be given. The Respondent gave a deficiency report on 21.09.2021 on different lines i.e. absence of ELCB, pending payment etc. The deficiency was removed by the Appellant on 29.09.2021 but after removal of deficiency also, the demand note was not issued. There was no effort, whatsoever, on the part of the Respondent to reconcile the main issue i.e. the floor to be energized. It should have been done on the date of inspection i.e. 13.09.2021.



10. In view of the above discussion, the Appellant is entitled to compensation as per Regulation 11 of the DERC (Supply Code and Performance Standards) Regulations, 2017 read with Sno. 1 of Schedule - I. The rate of compensation would be 1.5% of the amount of demand note per day (Rs.4760/-) w.e.f. 25.08.2021 to 01.01.2022. The duration 21.09.2021 to 29.09.2021 requires to be deducted from the calculation as this is the time the Appellant has taken to remove the deficiencies. The amount so calculated be credited to the account of the Appellant in next 15 days.

The Appeal stands disposed off accordingly.


(P. K. Bhardwaj)
Electricity Ombudsman
29.08.2022