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Office of 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 No.: 32506011 Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2006/125

Appeal against Order dated 03.08.2006 passed by CGRF – BRPL on
Complaint No.: CG/150/2006

In the matter of:

M/s Sudershan Housing & Finance Limited - Appellant

Versus

M/s BSES Rajdhani Power Ltd - Respondent

Present:-

Appellant 28/12/06 The appellant has not attended
17/01/07 The appellant has not attended

Respondent 28/12/06 Shri M.R. Doley, Manager (Planning & Engineering).
17/01/07 Shri L.C. Bhat, Chief Manager (Planning & Engineering) and
Shri Munendra Sharma, Dy Manager (Planning and Engineering)
attended on behalf of the BRPL

Date of Hearing: 28.12.2006, 17.01.2007

Date of Order : 31.01.2007

ORDER NO. OMBUDSMAN/2007/125

Appeal dated 18.9.2006 is filed against CGRF order dated 3.8.2006.

After perusal of the records of the case, submissions made by both the parties in response to queries raised, the case was fixed for hearing on 28.12.2006.

Shri M.R. Doley, Manager (Planning & Engineering), BRPL attended on behalf of the Respondent Company. The appellant did not attend the hearing. He has also not filed any letter stating the reason for his failure to attend nor has he asked for another date of hearing.

However, in order to give the appellant another opportunity to present his case, the case was fixed again on 17.1.2007. A notice was delivered to him but on the date of hearing i.e. 17.1.2007, again the appellant failed to attend. Shri L.C. Bhat, Manager (Planning & Engineering), BRPL attended alongwith Shri Munendra Sharma, Dy Manager (Planning and Engineering).

The case was discussed on the basis of material available on records

The appellant M/s Sudarshan Housing & Finance Limited applied for a load of 450.06 KW to the then DVB on 1.1.1999 for a 11 KV supply on Single Point Delivery System. As per policy, the appellant was required to install its own installations such as HT 11 KV switchgear, transformer and LT network as per DVB Office order dated 26.12.2006. As per the DVB order the connections shall be released to the society/promoter of the residential/commercial complexes, the billing will be done at HT metering system. The entire responsibility of the installation, operation and maintenance of the transformer(s), LT distribution network including individual metering billing and collection of revenue shall be that of promoter/society.

An estimate for providing HT 11 KV on Single Point Delivery System of Supply to the consumer was prepared for Rs.10,42,611/- out of which the appellant's share was Rs. 6,61,058/- and the DVB/BSES Share was Rs. 3,81,533/-. Subsequently a demand note was issued on 13.05.02.

The appellant instead of depositing its share of electrification charges asked BRPL on 22.2.03 to release LT connections to individual flat/shop owners as the latter wanted to take supply directly from BRPL and not through builder.

Also the appellant vide his letter dated 10.9.2003 requested BRPL to give benefit of the equipments installed by him on 50:50 sharing basis. It is stated in the licensee's letter dated 4.11.2006 that in accordance with the Office order of DVB, the appellant was informed on 17.12.2003 that his request was agreed to by the competent authority subject to his handing over 2nos.of dry type transformers, HT 11 KV 3-panel Board, VCB type, LT panels/switches installed, and HT/LT cables etc. laid within the basement portion in the building.... free of cost and no credit at any stage would be given to him or his company as was already agreed by him. An estimate was framed to cover the balance portion of electrification on 50:50 basis as per guidelines clearly laid down by DVB.

It is stated that the HT equipments were taken over free of cost as per policy laid down by DVB office order dated 26.12.2006. The delay in electrification from 1998-2004 was purely on the internal disputes between the appellant and flat owners etc. **The appellant deposited his share of amount for electrification on LT system only on 29.4.2004** and the electrification was completed within 3-4 months by DISCOM and energized in August 2004.

Record also shows that the appellant filed **indemnity bond** with the licensee company wherein the appellant has stated interalia that M/s Sudarshan Housing & Finance Limited, shall not claim any amount from BSES Rajdhani Power Limited at any stage for the transformers, HT Panels Boards, LT Panels, HT and LT cables etc. installed in Sub Station portion of the building and we are ready to handover the same free of cost to BSES Rajdhani Power Limited.

After the electrification work was completed and the connections were energized by the DISCOM with the consent of the appellant, the appellant filed a complaint with the CGRF.

The CGRF vide its order dated 3.8.2006 held that the action of the licensee company is in accordance with the DVB office order and policies which have been referred to earlier. It also held that since the appellant had submitted indemnity bond stating that no claim will be made by it at any stage in regard to transformers, HT panels, LT panels, HT/LT Cables installed at the sub station portion of the building and they were/are ready to hand over the same free of cost to BRPL, there is no justification for the complaint of the consumer.

Before the Ombudsman the above facts were repeated by Shri L.C. Bhat, Manager (Planning & Engg.) and Shri Munendra Sharma, Dy Manager (Planning & Engg.), the representative of BRPL who stated that the entire equipment which had been installed by the appellant was given free of cost to the DISCOM as per the policy of the DVB and as per his own consent and willingness. The indemnity bond was also filed by him stating that no demand would be made by him at any point of time in regard to equipment handed over free of cost. In view of the above and the evidences on record, I agree with the CGRF that the appellant's claim for refund of the amount paid by him for electrification has no substance.

The appeal is rejected and the order of the CGRF is up-held.

(Signature)
(Asha Mehra)
Ombudsman