

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-cum-Fax No.: 011-41009285)

Appeal No. 15/2020

(Against the CGRF-BYPL's order dated 11.08.2020 in Complaint No.23/2020)

IN THE MATTER OF

Smt. Mala Devi

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Deepak Chand Pandey, Advocate, on behalf of the Appellant

Respondent: Shri Gagan Sharma, General Manager, Shri K Jagatheesh, Sr. Manager and Shri Imran Siddiqi, Manager (Legal), Ms. Ritu Gupta, Advocate, on behalf of BYPL

Date of Hearing: 29.10.2020 & 18.11.2020

Date of Order: 26.11.2020

ORDER

1. The appeal No. 15/2020 has been filed by Smt. Mala Devi, against the order of CGRF-BYPL dated 11.08.2020 passed in Complaint No.23/2020. The issue concerned in the Appellant's grievance is regarding change of supply cable and meter from single phase to three phase by the Discom (Respondent) in respect of her electricity connection bearing CA No.150749886 at her premises no. A-288-A/1, Ground Floor, Kh. No.299, 310 and 492, Gali No.7, Harijan Basti, Mandoli Extn., Near Shamshan Ghat, Delhi - 110093.

2. In the instant appeal, the Appellant submitted that a single phase non-domestic electricity meter is installed at her premises connected with a 2 core single phase cable since 23.03.2013. In the month of November, 2019, the sanctioned load of the said electricity connection was enhanced to 12 KVA and she was also charged with an enhanced security deposit of Rs.19,409.26 by

the Discom. In view of the load enhancement, she applied for the change of supply cable and meter from single phase to three phase but the Discom refused to change the same, which was required to be changed by them in accordance with the extant Delhi Electricity Regulatory Commission (DERC) Regulations. After a lot of persuasion with the Discom, when the cable and meter was not changed from single phase to three phase, she was forced to file the complaint with the CGRF for redressal of her grievances. CGRF vide its order dated 11.08.2020 rejected her pleas on the ground that in the present circumstances single phase connection cannot be converted into three phase due to non-availability of required space and further the same is also not technically feasible.

Being aggrieved by the rejection of her complaint by the CGRF, she has preferred the present appeal on the grounds that the CGRF has failed to consider that the distance between the three phase transformer and her premises is not more than 200 meters and, therefore, the three phase supply cable can be easily installed at the premises from the existing pole i.e. NNGV532. Further, the CGRF has also failed to appreciate the fact that the distance from the nearest pole is not 550 meters as projected by the Discom and the three phase cable can be easily laid down on the existing single phase HVDS (High Voltage Distribution System) network. Further, her case does not fall under Regulation 22 of DERC Regulations, 2017 and the three phase connection can certainly be given through a transformer lying idle at present which can be repaired or changed for the benefit of the consumers.

In view of the above background, the Appellant prayed to set-aside the order of CGRF and to direct the Discom to change the supply cable and meter from single phase to three phase as per the regulations, which clearly stipulate that the existing consumer having a load demand between 5 KW to 10 KW, who demonstrates the requirement of supply at 3 phase 4 wire at 400/415 V and further agrees to pay service line cum development charges, the licensee may change the existing system of supply to 3 phase 4 wire at 400/415 V.

3. The Discom in its reply has submitted that the Appellant is a registered non-domestic single phase consumer, who applied for a change of her single phase meter to three phase meter along with the cable since her load had been enhanced to 12 KW. The Discom further stated that the area where the Appellant's premises is situated, is energised through HVDS transformers having single phase HVDS network and therefore, three phase connection cannot be granted as it is not technically feasible. Discom also submitted that site inspection was carried out by them and it was found that the Appellant is already having three single phase connections and she was duly informed that

due to the issue of technical feasibility her request for release of three phase connection is not possible. The Discom further submitted that the Appellant's premises is situated in Harijan Basti, Mandoli Extn., which is an unauthorized colony and is electrified on single phase HVDS (11 KV) network, where small capacity single phase 25 KVA transformers are installed on pole as there is no space for installation of substation or big transformers. Further for releasing the three phase connection, it requires three phase LT (440 V) network and installation of electrical substation etc. They have inspected the area and were unable to find any technically suitable place available for installation of LT transformers/substation. The nearest three phase pole i.e. pole no.NNGV532 requires service line/cable of approximately 550 meters for giving three phase connection to the Appellant, which cannot be carried/supported on the existing single phase HVDS network. Further, all the lanes of the area are very narrow and as such no space is available for installation of three phase network upto the premises in issue.

Discom further submitted that as per Regulation 22 of DERC's Supply Code, 2017, the Appellant or RWA/society of that area should provide sufficient space of requisite dimension at a technically feasible location free of cost in order to install three phase substations, which in the present case the Appellant has failed to provide the same to them. Secondly, the fact of the matter is that none of the two transformers could provide three phase electricity to the Appellant's premises, as one of the transformers is dead since long and the other is too far away. Hence, there is a need for installation of a new transformer and as such Regulation 22 is applicable to the facts of the case. The Discom further submitted that the transformer DL-1LDTRS10000001 is dead since long and no power is going to the transformer. The said transformer is situated on two poles which are not in their network and are on dead circuit in the park premises and as such to get a three phase connection, the Appellant should provide space to the licensee free of cost of requisite dimensions at a technically feasible location.

4. After going through the material on record and hearing the arguments of both the parties at length on the first date of hearing on 29.10.2020, the basic issue which emerged is that, whether a three phase connection can be granted to the Appellant or not. Secondly, it needs to be examined whether the Discom could at all refuse the electricity connection to a consumer indefinitely in an electrified or unelectrified area as the case may be and further is there some procedure laid down under the regulations vide which the connection can be released in the present circumstances. In this context the Regulation 17 (7) of DERC Regulations, 2017 along with amendment dated 02.02.2018 in Clause 1 of the Principal Order relating to conversion from single phase to three phase LT needs to be perused in the first instance before proceeding further in the

matter. The operative part of the Regulation 17 (7) and the amendment dated 02.02.2018 in Clause 1 of the Principal Order thereof is quoted as under:

"Regulation 17 (7) Conversion from single phase to three phase LT and from LT to HT; and vice-versa:

- (i) All applications for change from single phase to three phase Low Tension and from Low Tension to High Tension; and vice-versa, as the case may be, shall be dealt as per the procedure laid down at Regulation 11.*
- (ii) Conversion of existing classification of system of supply shall be carried out in the manner and on payment of charges as may be specified in the Commission's Orders."*
(Amended as on dated 15.02.2018).

Schedule of Charges and the Procedure (Second Amendment) Order, 2018, issued on 02.02.2018

Amendment in Clause 1 of the Principal Order:

- (1) The following shall be inserted after first proviso under Clause 1 of the Principal Order, namely:-*

Provided further that on the request of the applicant having a load demand from 5kW to 10kW, the Licensee may release a new connection at 3 phase 4 wire at 400/415 V supply:

Provided also that on the request of the existing consumer having a load demand from 5kW to 10kW demonstrating the requirement of supply at 3 phase 4 wire at 400/415 V, the Licensee may change the existing system of supply from single phase to 3 phase 4 wire at 400/415 V on receipt of differential service line cum development charges, if any, as per provisions of Regulation 21 (2) of Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017."

Further, the procedure and time limits for releasing of the connections have also been laid down in Regulation 11 as referred to in Regulation 17 (7) (i) above for connections where system augmentation is required in electrified areas. The relevant part of the Regulation 11 (4) (ii) is quoted as under:



"Regulation 11 (4) (ii) Connection where system augmentation is required in electrified areas:-

- a. The Licensee shall not deny new connection as long as the peak load including the load capacity of the new connection on the applicable distribution transformer falls within and up to 90% of the rated capacity of the transformer.
- b. The Licensee shall take appropriate action for augmentation of the capacity, as soon as the peak load on the existing applicable distribution transformer(s) reaches about 70% of its rated capacity.
- c. Subject to sub-clause (a) above, if giving of new connection requires augmentation of distribution system, the Licensee shall inform the applicant about the approximate time frame by which the applied load can be energized. Such time frame shall not exceed the time schedule specified as under:

(i)	Electrified Areas (where extension of line upto five poles is required)	Within 15 days from the date of receipt of full payment against demand note.
(ii)	Electrified Areas (Where extension of lines or augmentation of Distribution Transformation capacity, where peak load of transformer has reached 90% of its rated capacity)	Within 2 months from the date of receipt of full payment against demand note.
(iii)	Electrified Areas (Where new Distribution Transformer is required)	Within 4 months from the date of receipt of payment against demand note
(iv)	Electrified Areas (Where existing 11 KV network needs to be augmented)	Within 6 months from the date of receipt of payment against demand note

(v)	<i>Electrified Areas (Where existing 66/33 kV grid sub-station needs to be augmented)</i>	<i>Within 8 months from the date of receipt of payment against demand note</i>
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Provided that the Licensee may approach the Commission for extension of time specified in specific cases, where magnitude of electrification works is such that it requires more time, duly furnishing the details in support of such request for extension."

During the hearing, the Discom was asked that in view of above quoted regulations, wherein it is mentioned that the Licensee shall not deny the connection and shall take appropriate action for augmentation etc., whether they have taken any action for release of the three phase connection of the Appellant. The Discom requested for adjournment of the hearing to another date wherein they will come up with the action taken report in the matter. The hearing was adjourned and the matter was refixed for hearing on 18.11.2020.

5. On the next date of hearing on 18.11.2020, the Discom by way of an additional written statement again reiterated that the consumer's premises is at Harijan Basti, Mandoli Extension, Delhi which is an unauthorized colony and is electrified on single phase HVDS (11 KV) network where small capacity (single phase 25 KVA) transformers are installed on pole as there is no space for installation of substations or big transformers or additional network to provide three phase electricity connection. Further, the three phase connection requires three phase LT (440 V) network and installation of electrical sub-station etc.. Thereafter space is required for network to carry the cables to provide three phase connection. However, there is no space available for the same. The Discom further submitted that Regulation 22 is applicable in the present case and they have inspected the area and are unable to find any place available for installation of LT transformer/substation. They have also discussed the case with the Appellant number of times and explained her that the matter be discussed with RWA of the area so that space may be made available to them for installation of transformer etc. but no response has been received on the issue. They have further requested the land owning agencies like EDMC/Delhi Government to provide adequate space for LT transformer/substation and connected network so that they are in a position to provide three phase connection to residents of the area in issue. The Discom also submitted the copies of letters written to the SDM Seemapuri; the local MLA of the area; Deputy Secretary (Power), Govt. of NCT and the Deputy

Commissioner, North East District; for allotment of space for installation of transformer and LT network, which were taken on records.

The Discom finally submitted that in view of above under the existing circumstances, they are not in a position to convert the connection from single phase to three phase till space for installation of LT transformer/substation for providing three phase connection is provided to them.

6. In the background of the above submission made by the Discom, it is observed that the area, in question, where the Appellant's premises is located indeed falls in an unauthorized colony which is electrified on single phase HVDS network where small capacity transformers are installed on pole as there is no space for installation of substation or big transformers. Further, all lanes are very narrow and no space is available for installation of three phase network up to the Appellant's premises. Secondly, the nearest three phase pole require a long service cable which cannot be carried or supported on single phase HVDS network and is not technically feasible. It is further observed that the contention of the Appellant that the three phase supply can be given from a transformer in the park premises is also not feasible since the same is lying dead for a long time and no power is going to this transformer as it is not in the existing network.

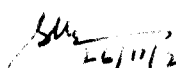
In view of the Regulation 17 (7) read alongwith Regulation 11 (4) (ii), it is clear that the Discom cannot deny the three phase connection to the Appellant and shall have to take appropriate action for augmentation and modification of their distribution network as per the regulations in vogue. Secondly, the amendment dated 02.02.2018 in Clause 1 of the Principal Order also stipulates that for a consumer having a load demand from 5 KW to 10 KW and above, the Discom will change the existing system of supply from single phase to three phase on receipt of differential service line cum development charges, if any. Further, as per Clause 11 (4) (ii) wherever the augmentation of the system is required, the Discom has to release the connection as per the time frames given therein. Also in case where magnitude of electrification/augmentation works is such that it requires more time, the Discom may approach the Commission for extension of time specified in specific cases.

In the instant case, the load of the Appellant has been enhanced by the Discom itself to 12 KW and, therefore, they have to change the supply from single phase to three phase in view of the amended Clause 1 of the Principal Order. Further, as the Appellant is ready to pay the service line cum development charges again, the Discom has to augment their system as per the regulations. Now coming to the main issue of non-availability of space in

the colony where the premises of the Appellant is located, as per the Regulation 22 of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017, the Appellant or the RWA/society of the area should provide the space of requisite dimensions at a technically feasible location to the Discom free of cost, which in the present case, the Appellant has failed to provide. Further, as per Regulation 22, since there is no specific developer in the present case and the augmentation of the existing distribution system requires the space for installation of transformer/substation etc. to meet out the load demand, the Discom has to approach the concerned agencies of Govt. of NCT of Delhi for allotment of space indicating the probable space available in the area. During the hearing on 18.11.2020, the Discom has submitted the copies of the letters written to various land owning agencies to provide adequate space for LT transformer/substation and network so that they are in a position to provide three phase connection to the Appellant and further to other residents of the area in issue. The Discom has also confirmed that once the land is allocated they will install the necessary substation/transformer and the network required to carry cables etc. for releasing three phase connection to the Appellant.

In the background of the above, it is held that in the present circumstances due to the issue of technical feasibility, the single phase connection of the Appellant cannot be converted into three phase. However, the Discom should take further necessary action and pursue the matter at appropriate level to get the space allocated for installation of substation/transformer and the connected network from the concerned agencies in accordance with Regulation 17 (7), 11 and 22 of DERC's Regulations, 2017. Simultaneously, the Appellant may also explore the possibilities for getting the adequate space provided at a feasible and technically suitable location in consultation with local RWA/society of the area to the Discom for installation of the transformer/substation.

The appeal is disposed of accordingly.


(S.C.Vashishta)
Electricity Ombudsman
26.11.2020