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Office of Electricity Ombudsman

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)

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(Phone No.: 32506011, Fax No.26141205)

Appeal No. F. ELECT/Ombudsman/2007/161

Appeal against Order dated 15.02.2007 passed by CGRF – BRPL in Case No.CG/380/2006.

In the matter of:

Dr. Lalit Kapoor - Appellant

Versus

M/s BSES Rajdhani Power Ltd - Respondent

Present:-

Appellant Dr. Lalit Kapoor

Respondent Shri M. R. Doley, Sr. Manager (Planning)
Shri B. N. Jha, Business Manager, Dwarka

Date of Hearing : 24.07.2007

Date of Order : 31.07.2007

ORDER NO. OMBUDSMAN/2007/161

This appeal is filed against CGRF-BYPL order dated 15.02.2007 as the appellant was not satisfied with the CGRF order.

The contents of the appeal, CGRF records and reply of respondent reveal that:

The appellant constructed a house on plot no. 53, Block B, Pocket-10, Sector 13, Dwarka for the construction of which he had taken a temporary connection. After the construction work was completed, he got a completion certificate from DDA on 09.08.2004, which information he passed on to the Discom on 29.03.2005.

Before the CGRF, appellant had stated that he should be charged temporary tariff up to 09.08.2004 (when construction work was completed) and thereafter he should be billed on normal domestic tariff without surcharge. He also prayed that a permanent electricity connection, be provided at this premises.

Respondent in its reply submitted that Sector 13, Dwarka is an unelectrified area and a temporary connection for construction purpose was given to the appellant. It was further stated that DDA had applied for electrification of the area and deposited processing fee of Rs.10,000/- on 27.11.2001. The required site for 4 no. electric sub-station plots were handed over by DDA to BSES on 12.09.2005. The electrification scheme for the area was prepared on 08.01.2007. This scheme was revised and a revised demand note was sent to DDA on 09.02.2007 for making payment of their share amounting to Rs.1.5 crores against total cost of the scheme.

CGRF in its order dated 15.02.2007 stated that permanent connection in any area becomes feasible only when the area is properly electrified. It directed that after payment is made by DDA, electrification work may be got executed on priority basis and permanent connection be granted as early as possible.

Not satisfied with the above order of CGRF, appellant filed this appeal before Ombudsman. He has prayed that:

- (a) Permanent Electricity Connection be provided to him with normal Residential tariff and the service cable may be provided and maintained by BSES.
- (b) He has prayed that he be charged at the rate of residential tariff from the date of completion of construction and the excess amount charged may be refunded.
- (c) He has also demanded compensation on account of lapses on the part of BSES.

After a scrutiny of the contents of the appeal, the CGRF records and the submissions made by both the parties in response to queries raised, the case was fixed for hearing on 24.07.2007.

On 24.07.2007, appellant attended in person.

Shri M. R. Doley, Sr. Manager (Planning) West and Shri B. N. Jha, Business Manager, Dwarka, attended on behalf of the Discom.

During the hearing, appellant stated that respondent has taken more than 6 years for preparing the estimates for electrification of this area, as such commercial tariff may not be charged and permanent electricity connection at domestic rate be given to him. He also requested for LPSC to be waived, and sought compensation for harassment.

Mr. Doley on behalf of respondent could not give satisfactory reply as to why it took more than 6 years in preparing the estimates when the request for electrification of the area was made by the DDA on 27.11.2001. Without going into details, he simply replied that the delay in electrification of the area occurred for want of some information from DDA.

In reply to this office query, the Discom vide its letter dated 14.06.2007 stated that DDA had made the payment of their share on 30.03.2007. And as the total cost of the scheme exceeded Rs.2 crores, the case was being forwarded to DERC for its concurrence.

Yet when he was asked about the status of the case being referred to DERC for its approval, Shri Doley stated that the case was not sent to DERC in view of some change in management policy and was awaiting approval of the Discom's own management. **It seems quite strange to learn that after receiving payment from DDA, the execution work is now delayed for some approval of the Discom management.** Respondent officials could not state categorically as to when the electrification work will commence and when it will be possible to give permanent connection to the appellant.

Since considerable delay has already been caused by the respondent in electrifying the area after the request was made by DDA, and there is no indication of a time-frame when the electrification work will be completed in this area, **the Discom is directed to charge the appellant with domestic tariff for a temporary connection w.e.f. 29.03.2005** when he made the first request for changing his tariff from non domestic to domestic after completion of construction work and issue of completion certificate by DDA.

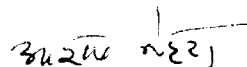
Business Manager was directed to get the bill revised as per the above directions and submit the revised (payable) bill along with its calculation on 27.07.2007 (by adjusting all the payments made by the appellant).

It is ordered that normal domestic tariff shall be applicable after one year when DDA made full payment of its share or immediately after electrification work is completed whichever is earlier.

For electrification of the area respondent has not adhered to the time schedule fixed by DERC and has not given any satisfactory reply for the cause of delay as such the case is being referred to DERC for appropriate action. X!

Although there has been considerable delay in granting the permanent connection to the appellant considering the totality of facts and circumstances of this case, this is not a fit case for award of compensation.

The CGRF order is set aside.


(Asha Mehra)
Ombudsman