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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/2007/193

Appeal against Order dated 03.07.2007 passed by CGRF – BRPL in Case No.: CG/142-07/F2/756.

In the matter of:

M/s Deepanshu Public School

- **Appellant**

Versus

M/s BSES Rajdhani Power Ltd

- **Respondent**

Present:-

Appellant Shri Anil Kumar, Vice Principal of the School

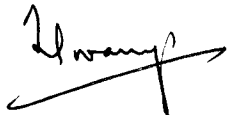
Respondent Shri C.S. Sakherwal, Manager (O&M)

Date of Hearing : 10.10.2007, 16.10.2007

Date of Order : 16.10.2007

ORDER NO. OMBUDSMAN/2007/193

1. The Appellant has filed this appeal against CGRF-BRPL's order dated 03.07.2007 in case no. CG/142-07/F2/756, stating that the school is without power supply since 15.12.2006 and orders of the CGRF are against the clear cut regulations of DERC relating to restoration of power supply.
2. The grievance of the consumer is that:
 - a) The school has a III phase electric power connection with 15kw sanctioned load. The school is without power supply since 15.12.2006, as the transformer no. 4 installed at village Kamerdin Nagar had burnt, and is awaiting replacement.
 - b) The Respondent officials were informed in writing vide complaint no. 416 dated 03.01.2007 submitted in the Manager's Office, and vide complaint no. 1870 dated 03.01.2007 submitted in the AGM's Office.



- c) After a lot of hassle, II phase power supply was restored on 09.08.2007 with a very low voltage of 100 to 120 only, which is of no use and the school is virtually in darkness since 15.12.2006. A reminder was submitted on 05.02.2007 but the Respondent has not taken any action so far.
- d) The CEO, BSES was also apprised of the situation and an appeal for restoration of supply vide complaint DPS/1111/357/07 dated 04.07.2007 was made but no reply / action has been taken till date by the senior most official of the BSES.
- e) The school is fully recognized by the Directorate of Education, Government of Delhi and at present 900 plus students are studying in classes 1 to 12. The power supply has not been restored on the plea that the school is situated in a theft prone area. The students are suffering as the school is not able to operate the computers and other apparatus in the science and math laboratories which are essential for the day to day teaching / learning process. The school is fitted with fire safety measures and has obtained a NOC from the fire safety point of view from the Govt. of NCT. The fire services and the fire system functions only on III phase power supply.
- f) A complaint was filed by the Appellant on 01.05.2007 before the CGRF, but the CGRF has passed speaking orders against the interest of the complainant inspite of the DERC Regulations relating to restoration of power supply, as clearly stipulated in DERC Notification dated 18.04.2007. As per the DERC Regulations, in case of failure of power transformer, the maximum time allowed for restoration of supply from an alternative source wherever feasible is upto 6 hours, and rectification action is to be completed within 15 days. Though the CGRF has accepted that the licensee has miserably failed to replace the burnt transformer nor appears to be intending to do the needful in the near future, but no directions have been issued to the Respondent towards restoration of III phase power supply. As such the order of CGRF is unjustified, irrational and is against the interest of the Appellant and the rules and notification of DERC.
- g) The Respondent informed during the CGRF's hearing that the transformer has failed successively on 07.02.2006, 15.02.2006, 15.12.2006, and on account of burning of transformers the Respondent is suffering high revenue losses. The school is situated in a highly theft prone area and the transformer has failed thrice during the last one year because of excessive drawal of electricity by unauthorized / illegal plastic recycling factories. Therefore, in order to avoid further losses the Respondent has decided that the transformer may not be replaced. For getting supply, Appellant may be asked to apply for an HP connection and a separate source for the school can be created by installing a new 25 KVA transformer.

Not satisfied with the order of CGRF Appellant has filed this appeal.

Shwamy

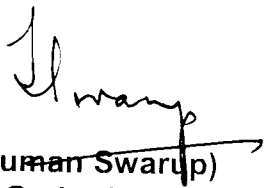
3. After scrutiny of the appeal, the records of the CGRF and the reply / comments submitted by Respondent, the case was fixed for hearing on 10.10.2007.

On 10.10.2007 Appellant Shri Anil Kumar, Vice Principal of the school is present in person. On behalf of Respondent, Shri C. S. Sakharwal Manager (O&M) is present. Both the parties were heard. It is informed by Appellant that a single phase connection was sanctioned for the school in 2004 with 10 kw load. This was further changed to III phase with 15 kw load in August 2006. The supply was regular till 12.12.2006. It is the responsibility of the Respondent to maintain III phase power supply to the school. In case it was not possible to maintain the supply, the III phase connection should not have been sanctioned. It is also brought to notice by Appellant that III phase supply is being given from transformer no. 2 to 35 illegal factories and the school can be given III phase supply from the transformer. Respondent stated that it is difficult to restore the supply on the plea that school is located in a theft prone area and the DISCOM has suffered revenue losses due to burning of transformers. The Respondent does not dispute supply of electricity to illegal factories from transformer no. 2 and agrees to supply list of the 35 illegal factories.

The Respondent is directed to furnish the list of the illegal factories functioning in the area alongwith details of meters installed, billing and nature of supply on Tuesday, 16.10.2007. It is directed that Appellant be given priority in III phase supply over other illegal consumers and III phase supply be restored by Tuesday 16.10.2007. The case is fixed for 16.10.2007 at 12.30 pm.

On 16.10.2007, no official on behalf of Respondent is present nor any information is provided regarding electricity supply to 35 number illegal factories. On behalf of Appellant Shri Anil Kumar Vice Principal is present and he informs that III phase power supply has been restored on 13.10.2007 at 19.40 hours as per orders of Ombudsman given during the hearing on 10.10.2007. Thus relief sought for has been given.

It is directed that CEO, BRPL may get the matter investigated in respect of electricity supply to 35 no. illegal factories and take appropriate action, so that due to repeated burning of transformers, harassment is not caused to genuine paying consumers. A copy of this judgment be sent to CEO BRPL, in addition to Appellant and Respondent.


(Suman Swarup)
Ombudsman