

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. 28/2022

(Against the CGRF-BYPL's order dated 31.05.2022 in Complaint No. 139/2021)

IN THE MATTER OF

Shri Shishir Chand

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Shishir Chand, in person.

Respondent: Shri S. Bhattacharjee and, Shri Vishal Rai, Sr. Managers
and Shri Deepak Pathak, Advocate, on behalf of BRPL

Date of Hearing: 21.11.2022

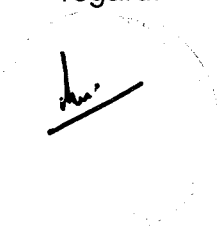
Date of Order: 22.11.2022

ORDER

1. Appeal No.28/2022 has been filed by Shri Shishir Chand R/o D-15, Chattarpur Enclave, New Delhi-110074, against the CGRF-BRPL's order dated 31.05.2022 in CG No. 139/2021.

2. The background of the case is that the Appellant approached CGRF-BRPL on 19.07.2021 for claiming compensation amount of Rs.10,624/- on account of electricity supply outages and subsequent damages caused to his electric gadgets due to voltage fluctuation at the premises No. D-71, First Floor, Chattarpur Enclave, New Delhi - 110074. The Appellant was a tenant on the premises during the period 15.03.2017 to 30.03.2022.

3. The CGRF observed that the complainant had not followed the right complaint- handling procedure and there is no proof of any correspondence in this regard. Though, the complainant stated that he had made telephonic complaints



but has not given any proof to that effect. Whereas, as per the respondent, there are complaints of outages but no complaints of voltage fluctuations. There are no complaints of damage of electric appliances either. The CGRF further observed that the complainant is an activist, who had been fighting top political-corporate medical nexus in various courts and investigating agencies in Delhi and Jharkhand for last ten years.

Further, the CGRF in the judgement also highlighted that:

- (a) The complainant contacted the telephone numbers of the Respondent which belong to the Divisional Office and being used for communication/coordination. As for the registration of the complaint, there is a specific Helpline No. which are as under:

Customer Care No. 9123 (24 x 7 toll free)
Whatsapp No. 8800919123

- (b) The record submitted by the complainant pertains to only two complaints of date i.e. 04.09.2020 and 23.02.2021. On the other hand, there is no registered complaint for the period June, 2021 to October, 2021, for which the complainant has sought damages. On these two dates the land owner had made a complaint of outages (fuse blown) and there was no complaint of equipment/gadget damage by him or any other person from the locality.
- (c) In view of the above facts, the complainant failed to show that he had registered complaint for the period during which he is asking for the alleged damages, hence, no relief can be given to the complainant.

4. Aggrieved from the order of the CGRF, the Appellant filed this appeal on the grounds that the Forum has dismissed his complaint on the basis of incorrect reading of the period for which the claim has been raised. On perusal of Invoices, it clearly demonstrates that the appliances were damaged between August, 2020 and July, 2021 and two complaints were registered on 04.09.2020 and 23.02.2021 respectively. Because of the fluctuations and outages, the Appellant claims that certain equipments got damaged and had to be repaired.

Appellant further prayed that he may be granted a compensation of Rs.10,624/- as made in his complaint dated 19.07.2021 before the CGRF



alongwith interest @12% from the date of filing of the complaint till the date of realization of the said amount.

5. The case was taken up for the hearing on 21.11.2022. 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 contended that there are constant voltage fluctuations and outages in D- Block of Chattarpur Enclave, Delhi for the last seven years. He further stated that he claimed damages for the period August, 2020 to July, 2021 and not June, 2021 to October, 2021, as observed by the CGRF in its order. Also, his complaints dated 04.09.2020 and 23.02.2021 is in sync and correspond to the period for which he has claimed damages.

7. The Respondent reiterated the same as before the CGRF in their written submission and contended that there are some factors for tripping electricity supply like; monkey caught in net-work, unbalancing of load etc. and the Respondent had no control over it. Both the complaints dated 04.09.2020 and 23.02.2021 were duly attended, and the cause was "DD Fuse Blown", and DD Fuse cannot cause damage to the gadgets.

The Respondent further argued that the area, in question, was electrified with a High Voltage Distribution System (HVDS) and 25 KVA Transformers has been installed to ensure a smooth power supply. The Respondent further submitted that this is an unauthorized colony, all plots have been developed into multistory buildings leading to rise in the number of consumers, who are also using excess load.

8. I have heard the arguments of both the contending parties present in the Court. I have also gone through the appeal, the written statement, the rejoinder filed by the Appellant. Relevant questions were also asked by the Ombudsman, Advisor (Engineering) and Advisor (Law) to clarify various issues. On the basis of the deliberations in the Court and minutely going through the documents on record, I am of considered opinion that the Appellant and other residents of general area of Chattarpur and D-Block in particular must be having issue of outages and voltage fluctuations, at times. The two registered complaints also indicate the above phenomenon, i.e. outages. On both days, one Mr. Rawat (the then house owner of the Appellant) has got registered complaint of outage on the App of BSES (Respondent). The CDR submitted by the Appellant has also

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shown that the Appellant had made efforts during the relevant period to lodge complaints on a particular telephone number and the Appellant claims that it was due to frequent outages and also the fluctuation which forced him to make these complaints. The fluctuation and the outage could be explained as there is unprecedented and unplanned development in the area and the supply/infrastructure could not cope with the increased demand. The entire area is unauthorized/unapproved colony and has grown vertically too while putting strain on the existing network/infrastructure. It is also a fact that the Respondent has been doing their best to keep pace with the demand. Yet the Respondent, at times, fall behind the pace leading to above mentioned problems. It is also a fact that the Respondent do a better job for the planned and authorized developments, as the load is planned and adequate infrastructure in terms of network/transformer gets provided.

9. On the basis of above deliberations two questions emerge very clearly and these are following:

- (i) Would the outages or voltage fluctuation always lead to equipment/gadget damage?
- (ii) If the answer to above question is 'Yes', then can it cause damage in a particular house or it would affect the general area adversely. Why are there no more complaints of equipment/gadget damage for that specific period?


10. According to experts in the field, the view that emerges is that the outage especially due to (DD Fuse Blown) as is the case, would not lead to equipment/gadget damage. Only a surge (abnormal increase) in the voltage may lead to the damage to equipment. They further contend that if there is a fluctuation in voltage because of poor neutral earthing at transformer level, it would affect the general area fed by this transformer and more number of houses/consumers would be adversely affected. Loose connection in a particular house could lead to similar result but in that case the liability would be of house owner.

11. Further, Appellant's complaints dated 04.09.2020 and 23.02.2021 registered by Shri Dilip Singh Rawat for CA No. 102277183 were closed under remark 'DD Fuse Blown'. Even if these complaints may be in sync corresponding the period for which damage is claimed but finding the cause of damage is purely



technical matter and is very difficult to attribute it to voltage fluctuation and it can be ascertained only by expert in the field. Also, the Appellant did not file any complaint for compensation as specified in Regulation 74 of Supply Code, 2017. However, the Respondent is directed to carry out proper maintenance activity to ensure stable supply in the area and also to check the service connection of the Appellant for any fault including loose connection. The evidence submitted in the matter does not conclusively corroborate that the damage was caused due to voltage fluctuation.

12. Given the above exposition, no interference with the verdict of the CGRF-BRPL's order dated 31.05.2022 is required. The appeal is dismissed accordingly.


(P. K. Bhardwaj)
Electricity Ombudsman
22.11.2022