

195

**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/2008/285**

Appeal against Order dated 22.07.2008 passed by CGRF-NDPL in CG.No.1637/02/08/NRL, (K.No. 511-43105146902).

**In the matter of:**

Smt. Anita Jain

- Appellant

**Versus**

M/s North Delhi Power Ltd.

- Respondent

**Present:-**

**Appellant** Shri Parveen Jain (husband of Smt. Anita Jain), and  
Shri H. R. Bhatia, authorized representative, attended on  
behalf of the Appellant

**Respondent** Shri O. P. Singh, AM Corporate Commercial  
Shri Harish Gupta, Zonal Manager  
Shri S. S. Antil, District Manager,  
Shri Varun Sharma, Sr. Executive Corporate Commercial  
and Shri Vivek, Assistant Manager (Legal) attended on  
behalf of NDPL

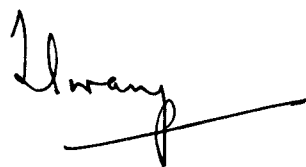
**Dates of Hearing :** 22.10.2008, 14.11.2008

**Date of Order :** 28.11.2008

**ORDER NO. OMBUDSMAN/2008/285**

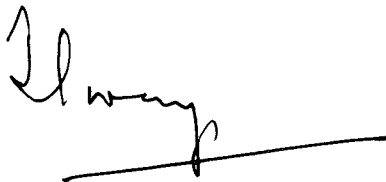
1) The Appellant has filed this appeal against the orders of the CGRF-NDPL dated 22.07.2008 vide which part relief was given. She has sought further relief on the grounds of :

(a) Abnormal delay in giving of a new agricultural connection and:



19141

- (b) Excess estimation of the cost of the electrification.
- 2) The background of the case as per submissions made by both the parties is as under:
- (a) The Appellant Ms. Anita Jain applied for a 5 KVA electric connection for agriculture purposes on 07.02.2007.
- (b) The NDPL raised a demand for Rs.1,16,481/- vide demand note no. 154124 dated 20.08.2006. This amount was deposited by the Appellant on 22.08.2006. The NDPL raised another demand vide note no. 245991 for Rs.1,71,414/- on 07.02.2007 and this amount was deposited on 22.02.2007.
- (c) The Appellant filed a complaint before the CGRF-NDPL on 06.02.2008 as the electric connection was not energized despite repeated follow up by the Appellant. Before the CGRF, the NDPL initially informed that the area is unelectrified and the Appellant is not willing to bear the cost of the electrification, as such the request for a new connection has been closed. The Appellant informed the CGRF that the submissions of NDPL are wrong as she had already deposited the demand raised by the NDPL and the Appellant requested CGRF to penalize the NDPL for delay in grant of connection and for harassment.
- (d) The CGRF fixed the case for hearing on 28.03.2008. During the hearing, NDPL sought adjournment on the plea that the case details were not received from the concerned department. The next date of hearing was fixed for 15.04.2008.
- (e) On 04.04.2008, the Appellant informed the CGRF that NDPL had installed the meter and energized it on the afternoon of 28.03.2008. The Appellant requested for details of expenditure of Rs.2,87,895/-



1013

deposited by her. After intervention by the CGRF, the NDPL submitted incomplete details on 01.07.2008. The Appellant filed objections before the CGRF on 17.07.2008. During the hearing, the CGRF framed the following three issues and passed final orders on 22.07.2008:

**ISSUE NO. 1 : Whether the amount of Rs.2,87,895/- was rightly got deposited viz-a-viz details furnished in the completion report.**

After hearing both the parties CGRF allowed the following deductions:

- Towards 50% (party's share) for cost of 11 KVA EXPE cable and outdoor joints;
- Towards the price enhancement factor of 10% reflected in the completion report.

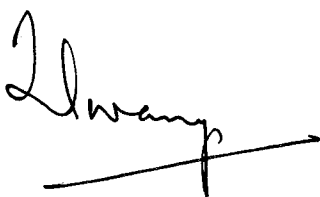
**ISSUE NO. 2 : Whether the total cost of the scheme is to be charged on proportionate basis from two other consumers also.**

The CGRF gave no relief to the Appellant on this account.

**ISSUE NO. 3 : Whether the request of the Appellant for compensation due to delay in energization of the connection is admissible, if so, to what extent.**

The CGRF in its order directed that a sum of Rs.25,000/- be credited to the K. No. account of the consumer for the inconvenience caused to her due to delay in energization of the connection.

- 3) Not satisfied with the above orders of the CGRF, the Appellant has filed this appeal.

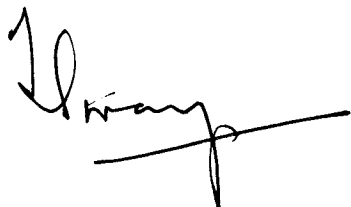


- 4) After scrutiny of the contents of the appeal, the CGRF's final order and the replies submitted by both the parties, the case was fixed for hearing on 22.10.2008.

On 22.10.2008, the Appellant was present through Shri Praveen Jain, husband of Smt. Anita Jain, and Shri H. R. Bhatia, authorized representative. The Respondent was present through Shri O. P. Singh, Assistant Manager, Corporate Commercial, Shri Harish Gupta, Zonal Manager and Shri Vivek Assistant Manager (Legal).

Both the parties were heard at length. During the hearing the Appellant informed that she had applied for a 5 KVA new agriculture connection in June – July 2006, and as per the demand raised by the NDPL, she had paid about Rs.2.87 lakhs as her share towards the cost of electrification. The Respondent informed that as per the prevailing policy two demand notes for recovering 50% of the cost of electrification were raised for payment by the Appellant as there was some deviation in the route of the HT line. The Respondent further stated that the policy for such connections has undergone a change as per the decision of the Hon'ble High Court and the DERC. The policy now is that the capital cost is borne by the DISCOM. The Respondent was asked to file a copy of the DERC orders and the Hon'ble High Court's directions. The electrification plan for the area, including for the area of the Appellant, and the latest policy was to be filed also before the next hearing. The case was fixed for further hearing on 14.11.2008.

- 5) On 14.11.2008, the Appellant was present through Shri Praveen Jain and Shri H. R. Bhatia, authorized representative. The Respondent was present through Shri S. S. Antil, Distt. Manager, Shri Harish Kumar Gupta, Zonal Manager, Shri Varun Sharma, Sr. Executive Corporate Commercial and Shri Vivek A.M. (Legal).

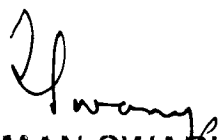


The Respondent filed the internal orders and the orders of the DERC, regarding sharing of capital cost with agricultural consumers. These orders were taken on record. As per the DERC orders dated 18.11.2005, the DISCOMs were directed to include the capital expenditure as part of their ARR, and agricultural consumers are liable only for payment of service line charges, development charges etc. in the unelectrified areas, as reflected in the schedule of Miscellaneous Charges fixed by the DERC in June 2003. The Respondent confirmed that 50% capital cost was charged from the Appellant in June 2006, although the DERC orders were issued in November 2005. It is thus clear that the two demand notes for payment of about Rs.2.87 lakhs by Smt. Jain were in contravention, of the prevailing policy laid down by the DERC, and indeed the DISCOM's own orders.

- 6) After hearing both the parties, it is decided that the Appellant should be refunded the amount realized towards capital cost, alongwith interest at the prevailing bank rate. The charges laid down by DERC for new agriculture connections such as development cost, service line charges and consumption deposit be deducted from the amount to be refunded to the Appellant, and the balance amount should be refunded by cheque. The Respondent has submitted a statement indicating that out of Rs.2,87,895/- deposited by the consumer, Rs.7,500/- was recoverable on account of consumption deposit, service line charges and development charges. Further, an amount of Rs.53,998/- was refunded as per the CGRF's order dated 04.08.2008. **Thus, the balance refundable amount comes to Rs.2,26,397/- along with Rs.31,744.25 as interest at the prevailing rate i.e. @6% per annum. The total refundable amount of Rs.2,58,141.25 (including interest at the bank rate) be paid to the Appellant by cheque. within 15 days of this order. The compensation of Rs.25,000/- already awarded by the CGRF for harassment is also payable by the Respondent**

The NDPL should also furnish the details of all such cases where capital cost has been charged from the consumers, after issue of the DERC's orders in November 2005. This information be furnished within 21 days of this order.

28<sup>th</sup> November 2008 .

  
(SUMAN SWARUP)  
OMBUDSMAN