

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/2009/321

Appeal against Order dated 19.03.2009 passed by CGRF–BRPL in case no. C.G.No.24/2009.

In the matter of:

Smt. Nirmala Aggarwal - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant The Appellant was present through her counsel
Shri Manish Chaudhary and
Shri Anand Singh

Respondent Shri A.P. Ram, DGM, Business and
Shri Chandan Dhar, Assistant Manager, Saket
attended on behalf of the BRPL

Date of Hearing : 19.06.2009, 24.06.2009

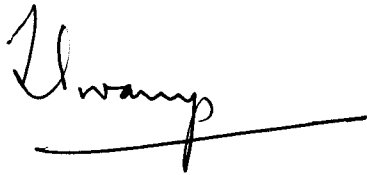
Date of Order : 30.06.2009

ORDER NO. OMBUDSMAN/2009/321

1. This appeal is filed by Smt. Nirmala Aggarwal, Appellant against the order dated 19.03.2009 passed by the CGRF-BRPL in the case no. 24/2009, as her plea was dismissed by the Forum.
2. The background of the case as per contents of the appeal, the CGRF's order and the submission made by both the parties is as under:



- (i) The Appellant has an agriculture land comprising of Khasra No. 82/23, 24,25 measuring about 14 Bighas where an electricity connection under 'agriculture category' is existing for a sanctioned load of 3.73 kw.
- (ii) To look after the said agriculture land, the Appellant has constructed labour quarter and cattle sheds for her use. The Appellant applied for a separate domestic connection vide application no. n-252008091723 dated 19.09.2008 for a 1 kw domestic load for use in the labour quarters and cattle sheds. As per the Appellant, only a small portion of Khasra No. 82/25 is being used for the labour quarters / cattle sheds. On a visit to the Respondent's office the Appellant learnt that under the new policy of BSES, there is no scope for sanction of such connections if an agriculture connection is already installed for the said agricultural land.
- (iii) Thereafter, the Appellant filed a complaint before the CGRF-BRPL on 19.01.2009 for grant of a new domestic category connection. The Respondent stated before the CGRF that an electricity connection vide K. No. 25200G110073 is already sanctioned under the 'agriculture category' at the said premises, and another connection cannot be sanctioned for the said premises because as per their policy, only a single metered supply can be provided in the farm house for a load of up to 21 kw under the domestic category. Thus the application for a new domestic connection was rejected.



- (iv) The CGRF observed that as per the existing office order dated 03.04.1998 the Respondent can allow up to 21 kw load (11 kw for domestic use and 10 kw for agriculture, tube well) for a farm house. In the instant case the Applicant is seeking a separate domestic connection for her workers. The CGRF however decided that the said connection is not permissible.

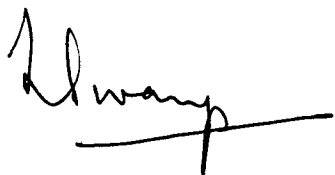
Not satisfied with the above orders of the CGRF, the Appellant has filed this appeal.

3. After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 19.06.2009.

On 19.06.2009, the Appellant Smt. Nirmala Aggarwal was present through her counsel Shri Manish Chaudhary. The Respondent was present through Shri A. P. Ram, DGM – Business, Saket, Shri Chandan Dhar, A.M. – Saket.

During the hearing it was stated that the Appellant had applied for a 1 kw domestic connection on 19.09.2008 for use in the labour quarters and cattle sheds. There are 4/5 quarters and a cattle shed. The Appellant does not want to use the agriculture connection for the labour quarters / cattle shed as it may amount to misuse. Hence a separate domestic connection is needed.

The Respondent stated that the provisions in the tariff order regarding 'agriculture' connection and 'farm house' connection are separate. The Respondent also stated that there appear to be no agriculture activities in the farm. The Respondent was directed to



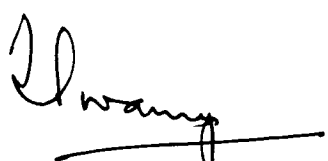
conduct a site visit to confirm the nature of use of the agriculture land, the area occupied by labour quarters and cattle sheds, and their use as also the load requirement. The site visit was fixed for 23.06.2009 at 11:00 A.M. in the presence of the Appellant. The site report was to be produced on the next date of hearing i.e. on 24.06.2009.

4. On 24.06.2009, the Appellant Smt. Nirmala Aggarwal was present through her counsel Shri Manish Chaudhary and Shri Anand Singh. The Respondent was present through Shri A. P. Ram, DGM – Business, Saket, Shri Chandan Dhar, A.M. – Saket.

The Respondent produced the video recording of the site and also filed the site visit report alongwith photographs which were taken on record. The Appellant stated that there is a small meter room plus servant quarters for employees at the site. The site report and photographs filed by Respondent indicate that the bulk of the land is being used for cultivation of crops and vegetables etc. and a few small semi permanent structures are there. The load requirement found at site is 3.73 kw for agriculture connection and 2 kw for domestic use.

5. After hearing the parties and considering all documents on record, it is decided that a separate domestic connection with upto 2 kw load be sanctioned to the Appellant after following the required procedure. The land, it is clear, is being used for agricultural activities and the existing agriculture connection be used for such activities.

30th June 2009.


(SUMAN SWARUP)
OMBUDSMAN