

08

**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/2009/346**

Appeal against Order dated 31.08.2009 passed by CGRF–BRPL in case no. C.G.No.138/2009.

**In the matter of:**

Dr. Lalit Kapur

- Appellant

**Versus**

M/s BSES Rajdhani Power Ltd.

- Respondent

**Present:-**

**Appellant** The Appellant Dr. Lalit Kapur was present in person

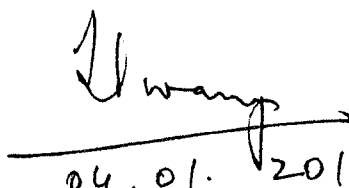
**Respondent** Shri Anand Tripathi, Business Manager, Dwarka, was attended on behalf of the BRPL

**Date of Hearing** : 03.12.2009, 14.12.2009, 21.12.2009

**Date of Order** : 04.01.2010

**ORDER NO. OMBUDSMAN/2009/346**

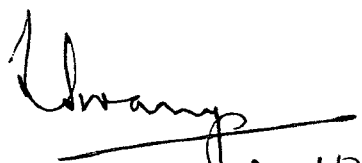
- 1.0 The Appellant, Dr. Lalit Kapur has filed this appeal against the order dated 31.08.2009 passed by the leaned CGRF-BRPL in the case CG No.:138/2009 stating that none of his grievances before the CGRF have been addressed and his grievances are still pending.
- 1.1 The background of the case as per the CGRF-BRPL's order, the contents of the appeal and the reply submitted by the Respondent, is as follows:

  
04.01.2010

07

The Appellant addressed two letters/complaints to the CGRF in respect of the following grievances:

- i) In complaint No. '1' relating to the temporary connection K. No. 2661W1692058, the Appellant has stated that:
  - a) Bills were not delivered and when delivered there is always some discrepancy.
  - b) The Meter was changed on 28.07.2007 and removed on 23.02.2009. The complete details of bills for this period have not been given alongwith payment details.
  - c) Interest on security amount may be given.
- ii) In Complaint no. '2', relating to the new connection for which an amount of Rs.11,800/- was deposited on 19.05.2009, and the meter was installed on 22.05.2009, the Appellant has stated that:
  - a) The BRPL charged Rs.7,000/- on account of service line charges. No service line was provided and the connection was given as loop connection from another connection in the same premises. Since no separate service line was provided, Rs.7,000/- charged for the new service line be refunded.

  
04.01.2010

06

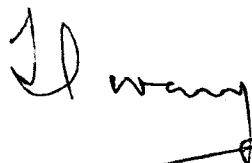
- b) He does not receive the bills and has to go to the BRPL office to collect the bills and pay LPSC.
- c) Fixed charges of Rs.134/- were charged instead of Rs.50/-.

1.2 In their reply, the BRPL has stated that:

- Bills are being regularly delivered
- The Security amount of Rs.470/- for the temporary connection has been refunded vide cheque no. 939150 dated 01.10.2009 and receipt has been confirmed from the consumer.
- Interest on the security amount of Rs.275/- has already been adjusted in the bills and the fact explained to consumer.

1.3 A perusal of the CGRF's order indicates that all the grievances were taken up during the hearing in the CGRF and decided as under:-

- a. The Security amount of Rs.470/- along with interest of Rs.275/- be refunded to the Appellant. The BRPL's compliance report indicates that Rs.275/- were adjusted against his bills and Rs.470/- refunded through cheque.
- b. Regarding the service line charges, the BRPL informed that Rs.7,000/- have been charged as per the DERC Regulations. The service line charges of Rs.7,000/- are not refundable.

  
04.01.2010

- c. The details of fixed charges of Rs.134/- were given by the DGM before CGRF.
- d. Regarding the delivery of bills, the DGM informed the CGRF that discrepancy in the bills and non-delivery of bills is due to the premises remaining locked, as the Appellant is not residing there.

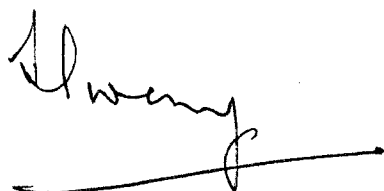
The grievances of the Appellant were disposed off on above lines by the CGRF.

Not satisfied with the CGRF's order, the Appellant has filed this appeal.

2.0 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 03.12.2009.

On 03.12.2009, the Appellant was present, in person. Shri Anand Tripathi, Business Manager, Dwarka was present on behalf of the Respondent.

Both the parties were heard, the Appellant argued that he has been harassed at every stage by the Respondent in the matter of grant of new connection by charging Rs.7000/- for development and service line charges and by not installing the line of adequate capacity. Similarly, for refund of security paid for the temporary connection, he had to run from office to office and no details of interest paid have been furnished.

  
04.01.2010

- 2.1 The Respondent explained that the Rs.7,000/- have been charged from the Appellant for development and service line installed as per their policy. The security amount of Rs.2850/- for the temporary connection was also adjusted against the final bill for the temporary connection, in February 2009. However, the details of amount adjusted and the final bill have not been given to the consumer. It was decided that the final bill and details of the security adjustment/refund due, and the final bill be given to the consumer within one week. As regards charging of Rs.7,000/-, the matter be reviewed as no development charges are recoverable in the areas developed by the DDA as electrification cost has already been recovered from the allottees by the DDA and paid to the DISCOM. The case was fixed for the next hearing on 14.12.2009.
- 2.2 On 14.12.2009, the Appellant, Dr. Lalit Kapur was present, in person, and the Respondent was present through Shri Anand Tripathi, Business Manager, Dwarka.

The Business Manager stated that the final bill for the temporary connection may have been raised earlier as the accounts are finalized in the billing system. However, he was unable to confirm the same. As regards the Rs.7,000/- service line development (SLD) charges, these have been recovered from all the allottees in the area as per the policy.

*Shri Anand Tripathi*  
04.01.2010

The Appellant stated that he has so far not received the final bill, but, only the calculation-sheet.

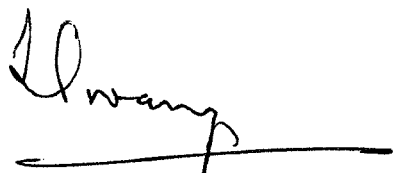
2.3 After hearing the parties and after seeing the documents, it was decided that:

- a) The final bill be raised or a duplicate copy (in case bill was raised earlier) sent to Appellant by 17.12.2009.
- b) Since the calculation-sheet sent earlier does not clearly state the period for which interest on security has been paid by the DISCOM, this clarification be given at the next hearing.
- c) Details of service Line charges recovered, as distinct from development cost, in the amount of Rs.7,000/-, be given if available.

The case was fixed for the next hearing on 21.12.2009.

2.4 On 21.12.2009, the Appellant Dr. Lalit Kapur was present, in person, and, Shri Anand Tripathi, Business Manager, was present on behalf of the Respondent.

The Business Manager stated that interest on security had been paid for the period from 01.04.2007 to 31.03.2009. The final bill had been raised and the Appellant confirmed its receipt. Bifurcation of Service Line charges and development cost was not available with the Discom. It was stated by the Discom's representative that as per the

  
04.01.2010

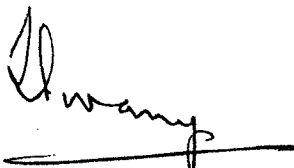
02

DERC's Regulations, such charges are common for all consumers, and are recovered from all consumers, irrespective of recovery of part of these charges from the development agencies like DDA etc.

### 3.0 Observations

Regarding the Service Line charges, the DERC had earlier issued guidelines on 19.08.2002 wherein service line charges were recoverable in electrified areas, and for un-electrified areas service line charges and development charges were both recoverable at specified rates. For the plotted areas developed by the DDA, where part of the cost of electrification is paid by the DDA to the DISCOM, only service line charges were recoverable. On the other hand, in areas where complete electrification is done by the DISCOM at their own cost, both service line and development charges were recoverable.

DERC, in their subsequent Regulations of 2007, has notified that in case the area/colony is electrified by the licensee (at their own cost), the SLD charges shall be payable by all the consumers. In these Regulations, for a sanctioned load of more than 5 KW upto 10 KW, Rs.7,000/- is payable as SLD charges. The 2007 Regulations are silent about the service line charges payable in areas developed and sponsored by development agencies like DDA, MCD, PWD and private developers, where electrification is carried out by the DISCOM after charging 50% of the cost towards HT feeders, setting up of sub-stations including civil works, LT feeders upto the feeder pillars. In my view, in all such cases the

  
04.01.2010 .

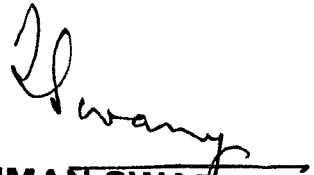
(1)

DISCOM should be allowed to charge from the consumers only the cost of laying the service line (including cost of service line). In case full SLD charges are recovered from such consumers, then the DISCOM shall be recovering the development cost both from the consumers as well as from the DDA. etc .

4.0 In the present case, it is, therefore, decided that instead of the SLD charges of Rs.7,000/-, the DISCOM may charge the actual cost of laying of the service line (including the cost of service line) from the Appellant. As regards the interest on security for the temporary connection, the Respondent has already refunded the security alongwith interest due, and raised the final bill, and nothing further is to be decided. On the issue of non-receipt of bills regularly by the consumer, the DGM, DISCOM confirmed that he will ensure delivery of bills to the consumer regularly.

**The appeal is accordingly, disposed off.**

04.01. 2010 .

  
(SUMAN SWARUP)  
OMBUDSMAN