

OFFICE OF 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: 011-26144979)

Appeal No. 36/2023

(Against the CGRF-TPDDL's order dated 17.08.2023 in C.G No. 19/2023)

IN THE MATTER OF

Shri Ram Phal Yadav .

Vs.

Tata Power Delhi Distribution Limited

Present:

Appellant: Shri Ram Phal Yadav, in person.

Respondent: Shri Ajay Joshi, AGM (Legal) and Shri Saurav Sharma,
Executive (Commercial) and Ms. Nutan, on behalf of the TPDDL

Date of Hearing: 16.11.2023

Date of Order: 17.11.2023

ORDER

1. Appeal No. 36/2023 has been filed by Shri Ram Phal Yadav, R/o 8647, Shidi Pura, Rani Jhansi Road, Karol Bagh, New Delhi - 110005, against the order dated 17.08.2023 passed by the Consumer Grievance Redressal Forum (CGRF) –Tata Power Delhi Distribution Ltd. (TPDDL) in CG No. 19/2023.

2. The brief background of the case is that the Appellant had applied for new non-domestic connection on 01.12.2022, vide notification No. 2032267631 at his premises, 8796 Shidi Pura, Rani Jhansi Road, Karol Bagh, New Delhi – 110005. The Appellant submitted a copy of the partition deed dated 15.02.1972, issued by the High Court of Delhi, but the Discom rejected his request and called for proof of ownership. The Appellant informed the Discom through an email dated 05.12.2022 that on the basis of this partition-deed, an electricity connection bearing CA No. 60020007625 was installed at the same premises. The team of the Respondent



visited the site twice, first on 30.12.2022 and again on 06.01.2023, in the presence of the Appellant and alleged that there was a dispute at the site, therefore, his request was turned down on this ground. When the electricity connection was not released in spite of several verbal requests/complaints, the Appellant approached the Forum on 25.01.2023 for the release of the connection and compensation on account of the delay in releasing the connection. Subsequently, on the direction of the Forum, the Respondent (Discom) again carried out a site inspection on 11.04.2023 and placed their report before the Forum mentioning therein "there is a dispute with the shop owner/tenant and that case is already subjudice in the court". Further, on the basis of the above said 'site inspection report', the Forum on 13.04.2023, directed the Discom to issue the demand-note within seven days and directed the complainant to ensure that the process of installation is carried out without any hindrance. On 25.04.2023, the Discom issued another letter showing Rs.291/- as outstanding against the disconnected connection No. 60009462056 without mentioning the reasons for not raising the demand earlier, i.e. between 2020 to 2023. Against this, the Appellant again filed the rejoinder on 18.05.2023 and subsequently on 25.07.2023, objecting to the outstanding dues and submitted the detailed calculation showing that there is not any dues pending against him of the connection. The Forum again directed the Discom to keep this amount (Rs.291/-) in 'NTA' until further orders and release the connection. Accordingly, the Discom issued the demand note on 08.05.2023 and after the payment of the demand-note received, the new connection bearing CA No. 60031048170 was released on 10.05.2023.

3. The Forum, in its order dated 17.08.2023 observed that the new connection had been released, hence the main grievance of the Appellant has been resolved. With regard to the compensation, although the connection was applied on 01.12.2022 but demand note was issued on 08.05.2023, and after completion of all the formalities, the meter was installed on 10.05.2023. The delay in the issue of demand-note cannot be attributed to the Discom, as it was due to various reasons, e.g., the completion of commercial formalities as well as dispute at the site. Further, compensation is payable only in cases of violation of standards, which starts after the completion of all necessary formalities, which in this case were completed only on 04.05.2023 (after the waiver of Rs. 291/- dues towards LPSC), and thereafter the connection was released on 10.05.2023. Therefore, there was no delay on the part of the Discom and the Forum does not find any merit in the demand for compensation by the Appellant.



4. It is pertinent to mention here that the main grievance of the Appellant for the release of a new connection had been resolved on 10.05.2023 before the Forum. Now, he has filed this appeal mainly for compensation of Rs.28,779/- (with detailed calculation) against the order dated 17.08.2023 passed by the CGRF-TPDDL on the following grounds:

(i) The delay was intentional and deliberate on the part of the Respondent, as all commercial formalities were completed on the date when a new connection was applied, i.e. 01.12.2022.

(ii) Initially, the Discom did not accept the partition deed as ownership proof, which was subsequently accepted after one month.

(iii) There was no dispute at the site, and even though a request was made to depute some senior officers for inspection, the same official visited for site inspection even on the second occasion.

(iv) The Discom further delayed the release of connection on account of outstanding dues of Rs.291/- on a disconnected connection, although the issue stood settled by CGRF in September, 2020, and dues were paid.

5. The Discom, in its written submission dated 29.09.2023 to the appeal, reiterated the same version as before the Forum. The Discom has also submitted a detailed sequence of events to explain the matter before the Forum. In addition, the other grounds mentioned by the Discom are as under:

(a) The purpose of the appeal is to seek acceptance of a decree passed by the High Court of Delhi, and the decree to be treated as 'ownership proof' for all purposes, especially for releasing electricity connections.

(b) The Appellant, himself revealed that he had filed a case (CG No. 54/2020) with the same cause of action, wherein directions were passed to process the new connection upon completion of commercial formalities. At that time, on the direction of the Forum, a demand note was issued on 27.10.2020, but payment was not made by the Appellant, hence, the connection was not released. This fact was revealed by the Appellant before the Forum, only when the pending



dues letter was served to him on 25.04.2023 for the release of the new connection.

(c) During the site verification, the Appellant did not cooperate with the officials of the Discom and site verification was carried out only after the direction of the Forum.

6. The appeal was admitted and taken up for hearing on 16.11.2023. During the hearing, the Appellant was present, in person, and the Respondent was represented by its authorized representatives. An opportunity was given to both the parties to plead their respective cases at length.

7. During the hearing the Appellant reiterated his submissions as submitted in his appeal.

8. In rebuttal, the Respondent submitted that during the third inspection, it was found that the premises, in question, has two portions (60 sq. yards each), in which left side portion is in the possession of the Appellant and right side portion is in dispute. Earlier, the Appellant had applied for connection at the right side of the premises. Later, he applied for a new connection on the left side portion. The Appellant acknowledged it and contended that he is the actual owner of subject premises (No. 8796) and right side portion is still subjudice before the Civil Court.

Further, in response to the following queries raised during the hearing, the Respondent stated as under:

- (i) Is Partition-Deed a valid document for ownership proof, as per DERC's Supply Code, 2017? The Respondent stated that Partition-Deed is executed between the family members and the Appellant should have submitted it with a Title Deed. However, the Ombudsman clarified that the document was a decree by Court in favour of Appellant and not merely a Partition Deed, which is an authentic document.
- (ii) Is it necessary to mention the details of adjoining premises? The Respondent replied in the affirmative stating that it is necessary to mention all the details of adjoining property, to ascertain the specific address applied for.



- (iii) Why the Appellant was not informed the deficiencies in one go? The Respondent stated that in this specific case, due to dispute at the site, verification of the premises was not carried out completely on two occasions.
- (iv) Were the dues of Rs.291/- against the disconnected connection notified to the Appellant either verbally/in writing or through bills prior to April, 2023? The Respondent could not respond convincingly.

9. The material on record indicates that the appellant had at an earlier occasion during 2020, also applied for the connection and approached the CGRF vide complaint Nos. 54/2020 and 55/2020. Taking cognizance of the decree passed by the High Court of Delhi, defining the title to property bearing No. 8796, the CGRF vide its order dated 17.09.2020 directed to release the connection upon completion of commercial formalities and taking an affidavit to the effect that no appeal pertaining to the title property was pending in any court. The CGRF took note of the pending dues in respect of CA No. 60009462056 in the name of Ghanshayam Das on the ground floor for Rs.14,562/- including LPSC amount of Rs.11,046/-. The Forum allowed 70% of waiver on the LPSC accordingly the Appellant paid the amount i.e. Rs. 6,833/-. The Discom subsequently issued a demand-note dated 27.10.2020 for Rs.17,040/- but on account of non-payment of the due amount, the connection was not released. While the Discom has accused the Appellant about non-mentioning of complete facts, they are equally at fault for not mentioning all facts before CGRF. At the same time, the provisions of Regulation 11(i)(iv) of DERC's Supply Code, 2017, stand violated by the Discom, as it failed to inform all deficiencies in one go resulting in avoidable delay in dealing with the case and resulting in deficiency in service.

10. At no stage during the period 2020 till April, 2023, the pendency of dues of Rs. 291/- was raised by the Discom. It is not in dispute that the connection was applied for first floor at the premises. Dispute regarding access to meter of the tenant arose on the ground floor during the site visit. As a result of, non-cooperation by the tenant on grounds of alleged dispute in Court, the Discom failed to invoke its powers U/s 163 of Electricity Act, 2003, to issue notice upon refusal of inspections by the occupants. The Discom is accountable for the delay on this account. Moreover, it cannot be ignored that the alleged dispute pertaining to shops on ground floor had no bearing on the connection applied for the first floor.



17/11

11. During the hearing on 16.11.2023, relevant questions were asked and queries raised by Ombudsman, Advisor (Engg.) and Advisor (Law) to elicit more information about the case. Having taken into account all factors, written submissions, arguments and relevant provisions of DERC (Supply Code and Performance Standards) Regulations, 2017, I am of considered opinion that the Appellant has suffered harassment at the hands of the Discom on account of avoidable delay in release of the connection.

In view of the above discussion, this Court orders the following:

- (i) The Discom is directed to pay an amount of Rs. 5,000/-, as compensation within two weeks, which should be credited to the account of the Appellant/to be adjusted against the forthcoming bills.
- (ii) CEO of the Discom may direct the concerned departments for evolving a robust mechanism for updation of complete case records of every consumer. This will go a long way in facilitating the consumers.
- (iii) CEO may sensitize the officers and staff in the Discom to strictly abide by the provisions of the DERC (Supply Code and Performance Standards) Regulations, 2017, as well as the Electricity Act, 2003. Guidelines also need to be issued for proper monitoring of pending dues in the interest of revenue.
- (iv) Action taken report be submitted within four weeks time.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
17.11.2023