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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/2010/368

Appeal against Order dated 02.02.2010 passed by CGRF-NDPL in CG.No. 2482/10/09/SMB.

In the matter of:

Shri Triloki Nath

- Appellant

Versus

M/s North Delhi Power Ltd.

- Respondent

Present:-

Appellant The Appellant Shri Triloki Nath was present in person.

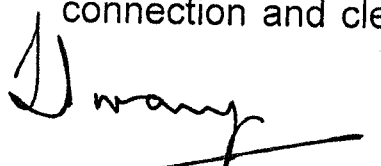
Respondent Shri Ajay Kalsie, Company Secretary
Shri B.L. Gupta, (Mgr. CMG)
Shri Keshav Raghav, (ZM-Zone-503)
Shri Sandeep Sharma (Ex.-MMG),
Shri Vivek, Manager (Legal) and
Shri Krishnendu Datta, Advocate attended on behalf of
the NDPL

Date of Hearing : 26.05.2010, 22.06.2010, 21.07.2010

Date of Order : 02.08.2010

ORDER NO. OMBUDSMAN/2010/368

1.0 The Appellant, Shri Triloki Nath has filed an appeal against the order of the CGRF-NDPL dated 02.02.2010 in the case CG No. 2482/10/09/SMB on the grounds that his whole business had been ruined because of delay in installation of the new electric connection and clear negligence on the part of the NDPL. It is


2.8.2010

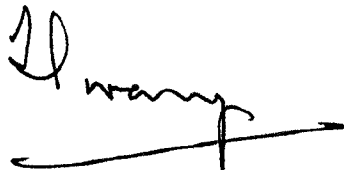
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his contention that the CGRF did not compensate him, neither for the actual loss incurred due to delay nor on the basis of the DERC Regulations, for the period 19.09.2008 to 28.10.2009.

The Appellant has prayed for compensation on account of delay in installation of the connection, for the period 19.07.2008 to 28.10.2009

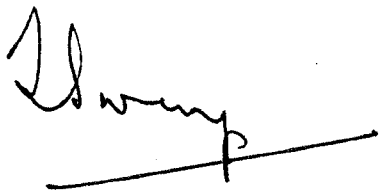
2.0 The background of the case as per the contents of the appeal, the CGRF's orders and submissions made by the parties is as under:

- i) The Appellant had deposited Rs.35,000/- as per the NDPL's demand note for getting a non-domestic connection for a 16 KW load in part of the premises at 20/25, Shardanand Colony, Swaroop Nagar in Samaipur Village, having a covered area of 600 sq. ft.
- ii) Vide sale-deed dated 15.11.1994, Smt. Suman Devi, wife of the Appellant, Shri Triloki Nath purchased the land measuring 2 bighas, 8 biswas in Khasra No. 20/25 situated in the area of village Samaipur, Delhi. Both the seller and the purchaser obtained an NOC from the Tehsildar under section 8 of the Delhi Land Reforms Act, 1972 for transfer of the land. As per the sale-deed, the purchaser was to use the land only for agricultural



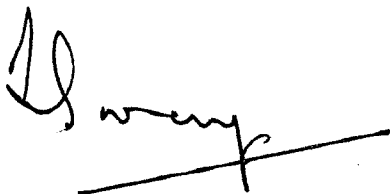
purposes and the sale of land did not contravene Section 33 of the Delhi Land Reforms Act 1954.

- iii) Subsequently an agreement dated 01.05.2008 was executed between Smt. Suman Devi and the Appellant (her husband) for using 600 sq. ft. of the area by the Appellant, for the manufacture of cosmetic goods and the Appellant was to pay Rs.4,000/- per month as rent to Smt. Suman Devi.
- iv) As per Connection Service Form No. 006921 of NDPL, Shri Triloki Nath applied for a 16 KW non-domestic connection on 02.05.2008. However, in the installation test notice signed by the Appellant, five number machines have been mentioned, requiring a total load of 16 KW for manufacture of cosmetics. As per the site report of the NDPL field officials, the premises was having only a tin shed, and the nearest pole was 50 meters away and the zone was asked to confirm the technical feasibility. The NDPL issued a demand-note dated 16.07.2008 for Rs.35,000/- which were deposited by the Appellant on 19.07.2008.
- v) As the connection and meter were not installed, the Appellant filed a written representation dated 31.12.2008 stating that five months had elapsed after deposit of Rs.35,000/- but the meter had not been installed and he was paying rent and labour charges regularly. The Appellant made further representations dated 17.02.2009,



31.03.2009 and 25.05.2009, addressed to the CEO, but, no action was taken.

- vi) The Appellant thereafter made a representation dated 10.07.2009 to the Secretary, DERC, which was forwarded to the CGRF-NDPL and the case was registered on 16.10.2009. The NDPL stated before the CGRF, that after payment of the amount as per demand-note on 19.07.2008, due to some problems regarding manner of supply of electricity, the technical feasibility and the issue of incomplete construction of the premises, the connection could not be released. During the site visit, it was observed that the plot was vacant and only one temporary room was there and no built up construction existed where a three phase supply could be used. The MCB/wiring was incomplete, which is a pre-requisite for supply of electricity. The supply was also feasible only from the rear side of the plot, but the Appellant insisted for the supply to be given from the front side.
- vii) The Appellant stated before the CGRF that on the basis of the application/documents submitted and the site visit report, the NDPL issued the demand note for Rs.35,000/-, which were paid. As per the site visit report, a tin shed was in existence and the plot was not vacant. The NDPL had given a number of connections in tin-shed premises in the area.



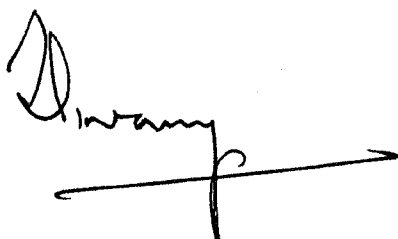
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- viii) The Appellant sought compensation for delay in installing the connection for the period 19.07.2008 to 28.10.2009, as per the Supply Code of DERC. The connection was finally installed from the front side of the plot on 28.10.2009.
 - ix) The CGRF in its order held that there was a delay in releasing the connection of the complainant beyond 04.07.2009 when the NOC from the neighbour was submitted by him. The Forum awarded a compensation of Rs.5,000/- for the delay also.

Not satisfied with this order, the Appellant has filed this appeal with a request to allow compensation as per the Supply Code of DERC for the period 19.07.2008 to 28.10.2009.

3.0 After scrutiny of the records, the case was fixed for hearing on 26.05.2010.

On 26.05.2010, the Appellant, Shri Triloki Nath was present in person. The Respondent was represented by Shri Ajay Kalsie, (Company Secretary), Shri B.L. Gupta (Mgr.- CMG), Shri Keshav Raghav (ZM-Zone 503), Shri Sandeep Sharma (Ex.- MMG) and Shri Vivek, Manager (legal).

Both the parties argued at length. The Appellant reiterated the submissions already made in his appeal and he confirmed that the



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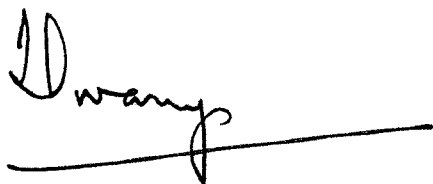
CGRF's order for compensation had been complied with by the NDPL. The Respondent was directed to produce the record relating to assessing the technical feasibility for a 16 KW connection in this case and the provisions of law under which a non-domestic connection was sanctioned for industrial use on agricultural land.

The case was fixed for further hearing on 22.06.2010, which was rescheduled for 21.07.2010.

3.1 On 21.07.2010, the Appellant Shri Triloki Nath was present in person. The Respondent was represented by Shri Krishnendu Datta, Advocate, Shri B.L.Gupta (CMG) and Shri Vivek (Mgr. – Legal).

Both the parties presented their arguments. The Respondent was unable to produce any legal provision for grant of a commercial connection on agricultural land or the technical feasibility report. The Appellant stated that a number of industrial connections for higher loads of 80-90 KWs had been given in the area. His main contention was that there had been inordinate delay in grant of the commercial connection to him, for which he should be compensated.

4.0 From the submissions of the parties and the scrutiny of documents, it has emerged that:



- a) the premises of the Appellant was located on agricultural land and as per the sale-deed, the land was to be used only for agriculture purpose.
- b) Not only had the Appellant applied for grant of a non-domestic connection on agriculture land, but the load test report submitted by him indicated that five number machines, with a total load requirement of 16 KW, were to be installed and the supply was to be used for industrial purposes.
- c) During the site visit by the NDPL officials it is recorded that only one tin-shed was found with incomplete wiring.
- d) Strangely, despite the above deficiencies, the NDPL accepted the application, issued a demand-note and released the connection. In fact, the electricity connection for the purpose other than agriculture use, should not have been sanctioned.
- e) The Appellant wrongly submitted an application for a non-domestic connection with a test report indicating industrial use of the supply. The site report also indicated a temporary shed and incomplete wiring. This was sufficient ground for the NDPL to reject the application of the Appellant, instead of giving him a demand note.
- f) Evidently, the case for sanction of such a connection was not processed by the NDPL officials in accordance with DERC's guidelines and Regulations.



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The CEO NDPL is advised to look into such lapses and to issue appropriate instructions/guidelines for the field staff to deal with such cases.

The Appellant apparently got the connection which he was not entitled to, due to serious lapses on the part of the NDPL officials. He has requested for increase in compensation already awarded to him by the CGRF for delay in grant of the commercial connection.

In view of the above, there is no justification for granting him any further compensation. The appeal is accordingly disposed of.

2nd August 2010


(SUMAN SWARUP)
OMBUDSMAN