

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-cum-Fax No.: 011-26144979)

Appeal No. 37/2023

(Against the CGRF-BRPL's order dated 25.08.2023 in Complaint No. 75/2023)

IN THE MATTER OF

Shri Sandeep Gupta

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: Shri Sandeep Gupta, in person.

Respondent: Shri S. Bhattacharjee, Sr. Manager, Shri Sudhanshu, AMPS,
Shri Bharat Kumar Raj, DSS-Coordinator, Shri Arav Kapoor and
Ms. Komal Gupta, Advocates, on behalf of BRPL

Date of Hearing: 11.12.2023

Date of Order: 12.12.2023

ORDER

1. Appeal No. 37/2023 has been filed by Shri Sandeep Gupta, R/o D-220, Defence Colony, New Delhi-110024, against the CGRF-BRPL's order dated 25.08.2023 passed in C.G. No.75/2023.

2. The background of the case is that the Appellant had applied for enhancement of load from 3 KVA to 12 KVA in his electricity connection CA No.154066007, installed at Shop No.5, Commercial Complex, May Fair Garden, New Delhi-110016, vide request no.8006315418. Despite submission of requisite documents on 15.05.2023, his request was rejected consistently by the Respondent with standard response 'to upload all the documents'. However, Respondent rebutted that the Appellant, being registered consumer of non-domestic connection,



was already advised to submit a 'valid trade license' as per Regulation 17 (2) (ii) 'Load Enhancement on the request of consumer' of DERC (Supply Code and Performance Standards) Regulations, 2017, which clearly states, "*the procedure as laid down in Regulation 11 for release of electricity connection shall be followed.*" The Appellant was duly communicated with reference to letter no.ADC/FL/SDMC/2017/SK/D-2132 dated 06.11.2017 of South Delhi Municipal Corporation in this regard. Whereas, the Appellant clarified, in its rejoinder, that the subject property is rented to a tenant who runs a consultancy firm; therefore, trade license is not required in the instant case which is necessary for commercial / industrial units in the "Non Conforming Area". Appellant alleged that the specific deficiency of non-submission of trade license was conveyed by the Respondent only after lodging a complaint on 26.06.2023 before the CGRF. Prior to that, for almost 45 days, a continuous standard reply had been received. This inordinate delay by the Respondent has cost him a rental loss of Rs.75,000/- per month besides the harassment for no fault of his. Thus, the Appellant should be compensated for the suffering and the rental loss, as cited above.

3. The Forum, in its order dated 25.08.2023, observed that the load was not enhanced by the Respondent due to non-submission of valid trade license. However, a consultancy firm is running at Appellant's shop which does not fall under the category of trade license requirement for load enhancement. GST number had already been submitted. The Respondent was directed to enhance the load within 3-4 days and file 'Action Taken Report' by 17.08.2023.

4. Not satisfied with the CGRF's order dated 25.08.2023, the Appellant preferred this appeal mainly for compensation on account of delay in enhancement of the electricity load and resultant loss of rental income and harassment to him.

5. The Respondent in their written submission to the appeal stated that on the basis of Inspection Report (Load Enhancement Request) dated 18.05.2023, they were under the impression that the Appellant was unable to complete the requisite commercial formalities and had failed to submit the clearance for enhancement of load above 5 KW. During the course of hearing before the Forum, they came to know that the premises, in question, was situated at DDA Complex and they rectified its action by enhancing the load from 3 kVA to 12 kVA on the site, in question. The Respondent also submitted that the Appellant did not provide any document/evidence to prove how did he suffer due to delay in load enhancement.



6. The appeal was admitted and fixed for hearing on 11.12.2023. During the hearing, the Appellant was present, in person, and Respondent was represented by its Authorized Representatives/Counsels. An opportunity was given to both the parties to plead their case at length.
7. During the hearing, the Appellant averred that he visited the Discom's office on many occasions personally but did not get any positive response. Even he wrote an e-mail to the CEO but was not given any hearing by any officer at any level. He further mentioned that the premises, where load enhancement was sought is in a DDA approved commercial area, namely, May Fair Garden (conforming area), therefore, trade license is not required for this premises.
8. The Counsel for the Respondent admitted that there was a mistake on their part which resulted in undue harassment to the Appellant. When officer of Discom were asked as to why it took one-and-a-half month to respond to the request of the Appellant for enhancement of electricity load, neither the Counsel nor Representatives of the Discom could give any convincing reply.
9. Having taken all factors, written submissions and arguments into consideration, it is apparent that the Appellant was denied the benefit of load enhancement from 3 KVA to 12 KVA despite submission of the requisite documents on 15.05.2023, without any just cause. This was done ostensibly on the basis of a report by the field officer, Nitish Kumar, in which requirement for trade license was raised without any justification and there was non-application of mind by the superior officers. The enhancement of load was applied in an approved commercial area. This caused unnecessary inconvenience to the Appellant.
10. Although the Appellant approached the Discom, on numerous occasions and prayed for enhancement of load. He also wrote to the CEO. Everyone in the hierarchy turned nelson's eye to the genuine request, taking unjustified reliance on a report by the Field Officer, without any examination, whatsoever, of its reasonableness and authenticity. This was sheer negligence attracting culpability of one and all.
11. In keeping with the principles of equity, justice and fair play, this court directs the Discom as under:
- (i) To pay an amount of Rs.10,000/- as compensation to the Appellant to be adjusted against the ensuing bills.



(ii) Since the confusion in the case arose primarily on account of lack of clarity on conforming and non-conforming areas with the officials and staff of Discom, CEO may take necessary steps in consultation with the MCD for obtaining details of conforming and non-conforming areas, within the jurisdiction of the Discom for awareness and guidance of the field staff for preventing recurrence of such incidents of undue harassment to the consumers.

(iii) It is strange and unfortunate that a consumer had to make umpteen visits to the offices/officers of the Discom to explain a small technical point and there was nobody to respond to his plea. CEO of the Discom is directed to order a vigilance enquiry into the whole episode. The enquiry report should highlight the lapses on the part of the Field Officer, who initiated the report, on the part of superior officers, who did not apply their mind and accepted the wrong filed report. The entire series of action/inaction led to delay and avoidable harassment to the Appellant.

(iv) Action taken report may be submitted within three weeks of receipt of this order.

The appeal stands disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
12.12.2023