

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/2010/396

Appeal against Order dated 11.11.2009 passed by CGRF-NDPL in CG.No. 2421/09/09/RHN.

In the matter of:

Sh. Manoj Mittal

- Appellants

Versus

M/s North Delhi Power Ltd.

- Respondent No.1

M/s Delhi Development Authority

- Respondent No.2

Present:-

Appellant

The Appellant Shri Manoj Mittal is present in person

Respondent

Shri K.L. Bhayana, Adviser

Shri Gautam Jai Prakash, Manager and

Shri Vivek, Manager (Legal) attended on behalf of the NDPL

Shri Dharam Pal Sharma, Executive Engineer,


Shri B.S. Bisht, Assistant Engineer, attended on behalf of the DDA

Dates of Hearing : 20.01.2011, 15.02.2011, 03.03.2011

Date of Order : 14.03.2011

ORDER NO. OMBUDSMAN/2011/396

- 1.0 The Appellant Smt. Chandro Devi has filed this appeal through her son Shri Manoj Mittal against the CGRF-NDPL's order dated 11.11.2009 requesting for installation and energisation of three permanent electricity connections, two of 11 KW each and one


14.03.2011

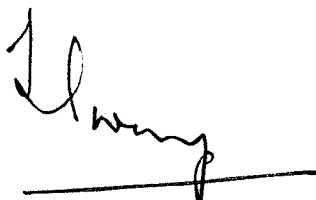
for 16 KW, at their premises on plot No.18, Pocket 4 & 5, Sector 23, Rohini, Delhi-110088.

1.1 The background of the case as per the records is as under:

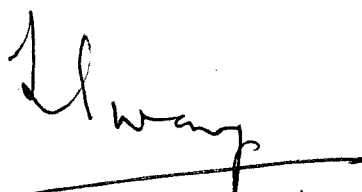
- a) The Appellant applied for three new electricity connections for domestic purposes for the premises at plot No. 18, Pocket 4 & 5, Sector-23, Rohini, Delhi, and deposited a sum of Rs.57,000/- on 28.09.2010.
- b) The Respondent vide their letter dated 03.09.2009 informed that the area was not electrified and the Appellant was required to submit an undertaking confirming that he will share 50% of the cost of electrification for the area.
- c) The Appellant submitted the aforesaid undertaking to the Respondent, on 06.09.2010 but could not get the electricity connections thereafter.

1.2 The Appellant filed a complaint before the CGRF-NDPL requesting for installation and energisation of the electricity connections applied for at his premises.

- a) The Appellant stated before the CGRF that DDA had deposited about Rs.2.61 crore in 1994 with the erstwhile DESU for carrying out the electrification work in the area.


14.03.2011

- b) The Respondent clarified that the electrification scheme of the DESU was for providing peripheral services only in 9 pockets of sector- 23, Rohini, Delhi, and submitted a copy of the DESU letter before the CGRF.
- c) The Respondent also stated that the DDA had been informed vide their letter dated 11.04.2008 that the estimated cost of the LT scheme worked out to Rs.66,44,146/- and the amount was still to be deposited by the DDA. The Respondent further informed that the contract for establishing of three sub-stations with 990 KVA transformer capacity each, as per the DDA's scheme, was awarded on 22.10.2009 to M/s. Shyam Industries which was to be completed in two months time.
- e) The Appellant requested for a temporary connection till the implementation of the sub-stations project. The Respondent, however, stated that this was not possible because the nearest electrified area was 250 meters away from the Appellant's premises. Moreover, this would result in a safety hazard and frequent disruption of electricity supply in the area.
- f) The CGRF-NDPL after considering the records and averments of the parties directed the Respondent to take up the matter of release of funds by the DDA, and to ensure completion of the construction of the


14.03.2011

three number substations within 60 days vide its order dated 11.11.2009.

The Appellant, aggrieved with non implementation of the aforesaid order of the CGRF, has filed this appeal.


2.0 After scrutiny of the appeal, the records of the CGRF, and the reply/comments submitted by the Respondent, the case was fixed for hearing on 20.01.2011.

On 20.01.2011, the Appellant, Shri Manoj Mittal was present, in person. The Respondent was represented by Shri K.L.Bhayana, Advisor, Shri Gautam Jai Prakash, Manager (KCG) and Shri Vivek, Manager (Legal).

Both the parties were heard. The Respondent was advised to submit their working plan for providing permanent connections to the consumer at the next date of hearing, i.e. 15.02.2011.

2.1 On 15.02.2011, the Appellant Shri Manoj Mittal was present, in person. Shri Dharam Pal Sharma, Executive Engineer, DDA and Shri B.S.Bisht, Assistant Engineer, DDA were also present.

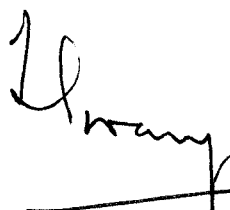
The DDA's representatives informed that the balance amount of about Rs.40,44,146/- for execution of the LT work shall be deposited with the DISCOM by 23.02.2011. DDA later confirmed


(4.3.2011)

on 23.02.2011 that they had deposited Rs.40,44,146/- with the Discom. Accordingly, the next date of hearing was fixed on 03.03.2011.

2.2 On 03.03.2011, the Respondent confirmed that the balance amount of the estimated cost for the LT net work had been received from the Delhi Development Authority, and the work would be completed by them within 80 days for electrification of Pocket 4 & 5 of Sector 23, Rohini. Thereafter it shall be possible for the Respondent to grant permanent connections to the Appellant and others. However they could not explain why SLD charges had been demanded and received when the LT system was not in place, nor why an undertaking was demanded from the Appellant for sharing of 50% of the cost of electrification of the area.

The Appellant pleaded that he had deposited a sum of Rs.57,000/- towards SLD and consumption charges against the demand note of the Respondent, for three permanent connections applied for on 28.09.2010 for the premises on his plot. Despite pursuing the matter with NDPL, the permanent connections had not been provided and he had to live with a temporary connection of 1 KW, leading to great hardship and mental torture, and also this resulted in payment of higher temporary tariff with surcharge by him due to no fault of his. Further if the Respondent was not in a position to install the permanent connections, they should not have accepted and


14.03.2011

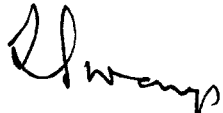
withheld such a huge amount as SLD charges from him, nor demanded an undertaking regarding sharing of the cost of electrification of the area.

3.0 From the facts on record and averments made, it is clear that the Respondent should have executed the work of electrification of the area, immediately after the DDA deposited its share in 1994. The DDA too allotted the plots in the area to the consumers without ensuring that all development work had been completed.

4.0 The Respondents are now given time upto 03.06.2011 for completing the work of electrification for providing permanent connections to the Appellant and others in the area, before 03.06.2011. Meanwhile, the Respondent will pay interest at the bank rate to the Appellant on the SLD and consumption deposit charges recovered from him for the three connections, for the period from 10.10.2010 till the date of grant of permanent connections.

Further, the tariff for the 1 KW temporary connections will be charged after 10.10.2010, at the same rate as is charged for permanent connections. A compensation of Rs.500/- per month is also given to the Appellant for the delay in grant of permanent connections, with effect from 10.10.2010 till the date of actual energization of the new permanent connections.

14th March 2011


(SUMAN SWARUP)
OMBUDSMAN