

OFFICE OF THE 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
Tel. No. 3250 6011 Fax 2614 1205

Appeal No.: F/ELECT/Ombudsman/2010/397

Appeal against Order dated 15.06.2010 passed by the CGRF-BRPL in CG. No.58/2010

In the matter of:

Shri P K Kohli & Smt. Sudesh Kohli - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:

Appellant Shri P.K.Kohli was present, in person, on behalf of both Appellants

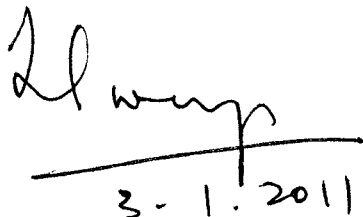
Respondent Shri Avinash Kumar(DGM), Shri Mahesh Kumar Chauhan (DGM – O&M) and Shri Phool, Senior Manager on behalf of BRPL

Date of Hearing : 13.12.2010

Date of Order : 03.01.2011

ORDER NO.: OMBUDSMAN/2010/397

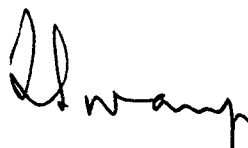
1.0. The Appellants, Shri P.K.Kohli & Smt. Sudesh Kohli, r/o A-1/269, Safdarjung Enclave, New Delhi, have filed this appeal dated 30.09.2010, against the order of the CGRF-BRPL dated 15.06.2010 in CG No. 58/2010, regarding immediate replacement of the existing faulty underground electric cable supplying electricity to the ground floor, sanction of two new electric connections of 12 KW each for the


3-1-2011

first and second floor of the above premises, and refund of Rs.18,200/- and adequate compensation for harassment by the Respondent.

2.0 The brief facts of the case as per the records and averments of the parties are as under:

- (a) The Appellants applied for two new connections for the first and second floors of their premises. They also paid a sum of Rs.36,400/- i.e. Rs.18,200/- each for the two new connections as per the demand note of the Respondent on 22.10.2008, but the connections were not installed. The Appellants were asked to deposit road restoration charges of Rs.28,454/-, as per the estimates of the MCD dated 10.12.2008 by the Respondent for road cutting permission to be given by the MCD. The Respondent also requested that the Appellants could obtain an estimate for road cutting charges directly from the MCD if they so desired.
- (b) The Appellants approached the CGRF on account of delay in installation of the two new connections, and also for the replacement of the existing cable feeding the ground floor connection on account of frequent breakdowns.
- (c) The CGRF, after hearing the parties, in its order dated 15.06.2010, observed that the complainant was informed that the new connections could not be installed without obtaining the


3.1.2011

road cutting permission from the MCD, and for the said permission, as per the DERC's Regulations, the road cutting charges were to be deposited by the consumer and the necessary clearances were to be taken by the licensee.

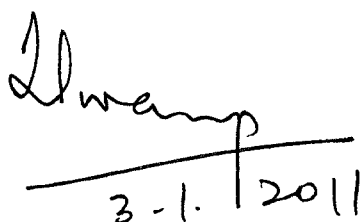
- (d) The CGRF held that the Appellants did not deposit the road cutting charges as per the DERC's Regulations and the MCD's estimates, for execution of the work.

In view of DERC's Regulations and guidelines, the consumer is to deposit the road cutting charges. Immediately thereafter, the officials of the Respondent shall apply for road cutting permission. CGRF also held that the delay in this case had occurred due to "misunderstanding of the above Regulations", and the Respondent is to provide the new connections immediately after deposit of road cutting charges and after obtaining the road cutting permission.

The Appellants, not satisfied with the order of the CGRF, have filed this appeal before the Ombudsman.

- 3.0 After scrutiny of the contents of the appeal, the CGRF's order, and the submissions made by both the parties, the case was fixed for hearing on 13.12.2010.

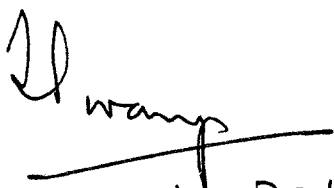
On 13.12.2010, Shri P.K.Kohli was present on behalf of both the Appellants. The Respondent was present through Shri Avinash Kumar (DGM), Shri Mahesh Kumar Chauhan (DGM-O&M) and Shri Phool (Senior Manager).


3-1-2011

Both the parties were heard. The Appellant stated that he had paid the charges for two new connections on 22.10.2008 as per the demand note but, had not got the connections till date despite a number of requests to the Respondent and extensive correspondence in this regard. He also brought to notice the loss and harassment suffered by him due to non installation of the two new connections for which the necessary charges had been paid by him more than two years ago.

The Respondent stated that road-cutting charges of Rs.28,454/- were demanded by the MCD in December 2008, and were payable by the consumer before road cutting permission could be obtained. These are yet to be paid. It was also stated that no under ground pipe exists at the site for laying a new higher capacity cable for the additional load now required. The Appellants contended that the erstwhile DVB should have laid the pipe for the cable and the Respondent should now make good the deficiency. The Appellant also complained of acute harassment and lack of response from the Respondent to their numerous communications.

The Respondent produced a site plan to explain the site conditions and the area to be used for laying the higher capacity service cable from the service pillar. It was also stated that the neighbors were not allowing laying of the service cable by breaking their ramps, and the MCD staff was not allowing digging without permission from the concerned authorities.

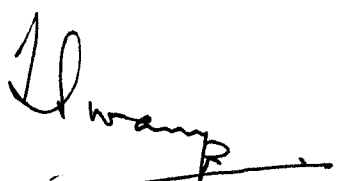

3-1-2011

4.0 After hearing both the parties, and after seeing the site-plan, it is evident that no road-cutting is involved in this case. The service cable is to be laid alongwith the pipe, only in the 'kachha' area between the service pillar and the premises. As the work involved in laying the higher size service cable does not involve any road-cutting, the contention of the Respondent that Appellants should deposit the road cutting charges as per the MCD's estimates, does not arise.

5.0 Accordingly, it was decided that the Respondent should execute the work of laying the higher capacity cable and pipe by 23.12.2010, energize the two new connections. This will also solve the problem of frequent breakdowns due to defective service cable for the ground floor. Further, interest at the prevailing bank rate be paid to the Appellant on Rs.36,400/- (paid towards SLD charges for the two new connections) w.e.f. December, 2008 till the connection is energized, as the amount has been held by the Respondent for two years unnecessarily.

The order of the CGRF is accordingly modified. Compliance of this order should be reported by 20th January 2011.

3rd January 2011


(SUMAN SWARUP)
OMBUDSMAN