

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/2010/398

Appeal against Order dated 07.09.2010 passed by CGRF–NDPL in CG.No. 2892/07/10/KPM.

In the matter of:

Shri Mahendra Nath - Appellant

Versus

M/s North Delhi Power Ltd. - Respondent No.1

Present:-

Appellant Shri Harish Jain, Advocate attended on behalf of the Appellant Shri Mahendra Nath


Respondent Shri K.L. Bhayana, Adviser
Shri M.S. Saini, Commercial Manager
Shri A.K. Sharma, Manager (KPM) and
Shri Vivek, Manager (Legal) attended on behalf of the NDPL

Dates of Hearing : 11.01.2011

Date of Order : 17.01.2011

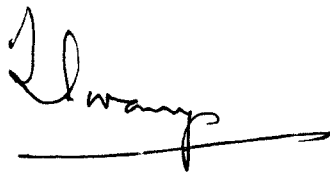
ORDER NO. OMBUDSMAN/2011/4/398

1.0 The Appellant, Shri Mahendra Nath, has filed this appeal against the CGRF's order dated 07.09.2010, requesting for compensation/damages strictly as per provision of the Supply Code & Performance Standards Regulations, 2007 vide his prayer dated 06.10.2010.


17.01.2011

1.1 The brief facts and background of the case as per the records and the averments of the parties is as under:

- (a) The Appellant had requested the Respondent for enhancement of the load from 6 KW to 16 KW against his connection K No. 32404012171 on 03.01.2010 installed at his premises at Plot No. 72, Gali No. 12, Tri Nagar, Delhi for non-domestic use. The demand note was raised and the amount was deposited on 07.01.2010 by the Appellant and he was informed that the load would be enhanced after augmentation of the transformer capacity. It was proposed to install an additional 630 KVA D.T. transformer with one 3 ways RMU in Gali No. 11, at Jai Mata Market, but, the same could not be installed as Right of Way permission for erection of poles and transformer was awaited from the MCD. A letter dated 04.06.2010 was issued to the Appellant that the enhancement of load is pending for want of Right of Way for erection of poles/installation of transformer. The enhanced load could only be energized on 04.09.2010.
- (b) The Appellant filed a complaint before the CGRF for compensation on account of delay in enhancement of load. This was decided by the CGRF vide its order dated 07.09.2010 holding that the delay in enhancement of load was due to the delay in permission from the MCD who did not allow the installation of poles and transformer. As per


17.01.2011

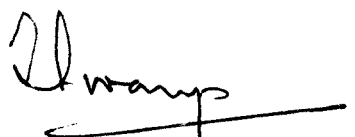
Regulations 16 (x) of Delhi Electricity Supply Code and Performance Standards Regulations, 2007 - The Licensee is not to be held responsible for delay in providing the connection, if the same is on account of reasons such as right of way, acquisition of land, delay in permission for road cutting, over which the Licensee has no control. It was held by the CGRF that there was no delay on the part of the Licensee and no compensation was allowed by the CGRF to the Appellant.

2.0 The Appellant, aggrieved by the CGRF's order dated 07.09.2010 has filed this appeal praying for compensation as well as for damages/litigation charges.

2.1 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 11.01.2011.

On 11.01.2011, the Appellant was present through Shri Harish Jain, advocate. The Respondent was present through Shri S.K.Bhayana (Advisor), Shri M.S.Saini (Comml. Mgr – KPM), Shri A K Sharma (Manager – KPM) and Shri Vivek (Manager – Legal).

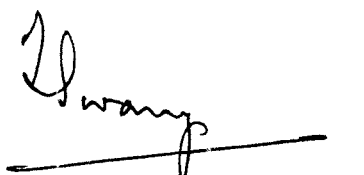
Both the parties were heard. The Appellant stated that he had deposited the amount demanded for load enhancement on 07.01.2010 as per the demand-note, but the load was enhanced


17.01.2011

only on 04.09.2010. He should therefore be paid compensation for the period of delay. On the other hand, the Respondent produced documents to prove that permission was sought from the MCD, for installation of transformer which was delayed due to the Commonwealth Games. The existing transformer was overloaded and the additional load could be given only from the new transformer only. The delay was not intentional, and the load was enhanced on 4th September 2010 from the existing transformer, keeping in view that some load was released due to lean period commencing.

- 2.2 From the averments made during the hearing and the facts on record, it is clear that the demand-note was raised on 06.01.2010 and the amount was paid by the Appellant on 07.01.2010, while the load was actually enhanced only on 04.09.2010. As a matter of fact, the demand-note should not have been raised and money accepted, if the Respondent was not in a position to release the load. Holding the amount of Rs.26,000/- of the Appellant for a period of almost eight months unnecessarily was not called for.

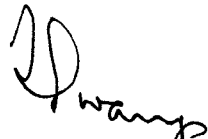
It is clear that though delay on the part of the Respondent in enhancing the load was not intentional, holding the Appellant's money unnecessarily has caused harassment and financial loss to the Appellant. The Respondent should have executed the work and enhanced the load within the time frame as stipulated in the Supply Code and Performance Standards Regulations, 2007 i.e.


17.01.2011

within 132 days of the payment of the amount deposited as per the demand-note. They should therefore pay interest at the prevailing bank rate on the sum of Rs.26,000/- held by the Respondent for the period beyond 132 days. **Further, a compensation of Rs.3,000/- is also awarded to the Appellant for the harassment caused to him. The amount shall be paid to the Appellant by cheque. The appeal is accordingly disposed of.**

Compliance of this order be reported within a period of 21 days.

17th January 2011


(SUMAN SWARUP)
OMBUDSMAN