

**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/2011/421**

Appeal against Order dated 22.02.2011 passed by CGRF–NDPL in CG.No. 3104/11/10/PPR.

**In the matter of:**

Shri Girdhari Lal Goyal                      - Appellants

**Versus**

M/s North Delhi Power Ltd.                      - Respondent

**Present:-**

**Appellant**      Shri H.B. Jha, Advocate was present on behalf of the Appellant

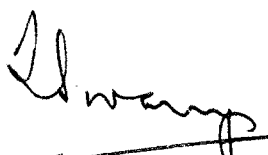
**Respondent**      Shri K.L. Bhayana, Adviser,  
Shri Kanwaljeet Mahajan, Manager (Projects),  
Shri Prashant Panigrahi, AM (KCG) and  
Shri Vivek, Manager (Legal) attended on behalf of the NDPL

**Date of Hearing**      : 08.06.2011

**Date of Order**      : 27.06.2011

**ORDER NO. OMBUDSMAN/2011/421**

1.0 The Appellant, Shri Girdhari Lal Goyal, R/o Plot No.89, Ground Floor, Block-E, Mangolpuri Industrial Area, Phase – II, Delhi-110034, has filed this appeal dated 13.04.2011 for implementation of the order of the CGRF-NDPL, dated 22.02.2011 in CG No. 3104/11/10/PPR, for early installation of a new electricity connection at his premises. He has also prayed for grant of a compensation as per the DERC

  
27.06.2011

Regulations at Rs.610/- per day for each day of delay beyond 192 days & payment of Rs.4.0 lakhs approx. for the mental agony, harassment and loss suffered by him on account of the delay in energisation of the electricity connection.

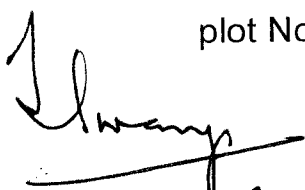
2.0 The brief facts of the case as per the records are as under:-

2.1 The Appellant applied to the NDPL for sanction of a new electricity connection with a load of 30 KW for industrial purposes for his premises at Plot No. 89, Block-E, Phase-II, Mangol Puri Industrial Area, Delhi-110034.

2.2 The Respondent, after verification of the documents, issued a demand note of Rs. 61,000/- and the amount was deposited by the Appellant on 02.03.2010. The Respondent, however, did not install the electricity connection on the grounds that the area in which the premises of the Appellant was situated, was not electrified.

3.0 The Appellant approached the CGRF-NDPL vide his complaint dated 01.11.2010 for release of the new electricity connection for which he had already completed all the required formalities, and had also paid the demand of Rs.61,000/-.

3.1 The Respondent stated before the CGRF that a 11 KV line was laid from which electricity connections had been given in E-Block. However, the demarcation of the road could not be completed as per the sketch of the location of the plot No. E-89, submitted by the Appellant.

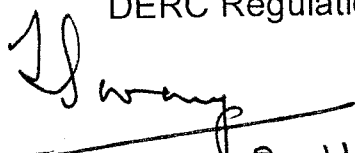
  
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3.2 The CGRF-NDPL vide their order dated 22.02.2011 observed that the scheme for electrification of the area was pending with the DISCOM, and 50% of the cost was deposited in April 2010, by the DDA, as its share.

The Respondent had also released a number of electricity connections in the same area and, therefore, the Appellant's request be also approved on the same basis.

3.3 The CGRF-NDPL, after considering the records, observed that the Respondent had sanctioned an electricity connection to one Shri Mahesh Chand Gupta at plot No. 75, Block-E, Phase-II Mangol Puri with a 11 KW load for non-domestic light, vide request No. 0910787786, subsequent to the application made by the Appellant. The connection for Shri Mahesh Chand Gupta was released on 31.12.2010. The location of the plot No. 75 is on one side of the park whereas the location of the plot of the Appellant is on the other side of the park and the 11 KV line exists at 90 degrees to the park, so the release of the connection to the Appellant was possible. In conclusion, the CGRF-NDPL vide its order dated 22.02.2011 decided that the connection requested for by the Appellant, be also released on the lines of the connection released to Shri Mahesh Chand Gupta at plot No. 75, Block-E, Phase-II Mangol Puri.

3.4 The Appellant has filed this appeal for the implementation of the aforesaid order of the CGRF-NDPL dated 22.02.2011 and for grant of compensation as per the DERC Regulations.

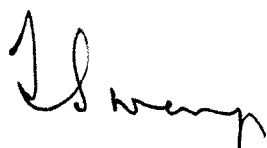
  
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4.0 After receipt of the comments from the Respondent on the Appellant's appeal, the case was fixed for personal hearing on 08.06.2011.

The Appellant was represented by Shri H.B. Jha, Advocate. The Respondent was represented by Shri K. L. Bhayana, Advisor, Shri Vivek, Manager (Legal), Shri Kanwaljeet Mahajan, Manager (Projects), Shri Prashant Panigrahi, AM (KCG).

Both the parties argued their case. The Appellant stated that his connection had since been energized on 2<sup>nd</sup> May, 2011. However, there had been considerable delay in energization of the connection even after the CGRF's order. He had deposited Rs.61,000/- on 2<sup>nd</sup> March, 2010 and the connection should have been given within 192 days i.e. by 6<sup>th</sup> September, 2010, as per the stipulation in the Demand Note. There had been a delay of 238 days, for which a compensation of Rs.1.45 lakh should be given.

4.1 The Respondent stated that the electrification scheme for the area stands approved by the DDA and their 50% share was deposited in April, 2010. The work was to be completed within 240 days as per the estimates approved. The Respondent attributed the delay to non-demarcation of the plots, roads etc. at E & F Block, Mangolpuri Industrial Area, Phase-II, by the DDA, and it was stated that unless there was a clear demarcation of the plots,

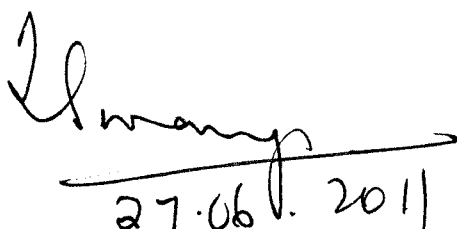
  
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roads and the location of the switching station and clearance of the sites from encroachment was done by the DDA and Traffic authorities, execution of works was not possible. Photographs showing the extent of encroachments on the ROW were also produced

The Respondents were asked to submit the present status of execution of the work and details of the specific location where execution was not possible. From the information submitted, it is seen that an amount of about Rs.60 lakhs only has been spent towards execution of the work against the total estimated cost of the electrification scheme of around Rs.4.0 Crores

However during the hearing the Respondents assured that the work of electrification of the entire E & F Blocks of Mangolpuri Industrial Area would be completed within 90 days so that prospective consumers in the area do not suffer in future.

- 4.2 Prima facie it is clear that there has been a delay on the part of the Respondents in executing the approved electrification scheme for the E & F Block's, Mangolpuri Industrial Area and in grant of a connection to the Appellant. The fact that the Respondent had demanded and accepted charges of Rs.61,000/- from the Appellant on 02.03.2010 for installation of a new electricity connection, made it incumbent on the Respondent to

  
27.06.2011

provide the electricity connection to the Appellant within the time-frame stipulated in the DERC Regulations.

5.0 The DERC Supply Code and Performance Standards Regulation, 2007, Schedule-III under the Guaranteed Standards of Performance and Compensation to Consumers in case of default, provides for payment of a compensation of Rs.10 per Rs.1000 (or part thereof) of the demand charges deposited by the consumer, for each day of default. Normally after receipt of the demand charges of Rs.61,000/- on 2<sup>nd</sup> March, 2010, the connection should have been energized within 192 days i.e. by 6<sup>th</sup> September 2010. The connection was however, energized only on 5<sup>th</sup> May, 2011. It is also evident that there were site constraints which could not easily be resolved, despite the DISCOM's protracted efforts. Accordingly keeping in view the totality of the circumstances a compensation of Rupees fifteen thousand is granted to the Appellant for the harassment caused as a result of the delay, in addition to interest at the prevailing bank rate on the sum of Rs.61,000/- deposited by him, for the period of delay. The Discom should not have raised the demand note, if the site conditions did not permit grant of the connection to the Appellant.

5.1 The compliance report be submitted by the Respondent within a period of 21 days of this order.

27<sup>th</sup> June 2011

  
(SUMAN SWARUP)  
OMBUDSMAN