

OFFICE OF THE 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/2012/440

Appeal against Order dated 22.07.2011 passed by the CGRF-TPDDL
in CG.No. 3354/03/11/NRL

In the matter of:

Shri Rai Singh

Appellant

Versus

M/s North Delhi Power Ltd.

Respondent

Present:-

Appellant The Appellant, Shri Rai Singh was represent by Shri
Alok Bajpayee, Advocate.

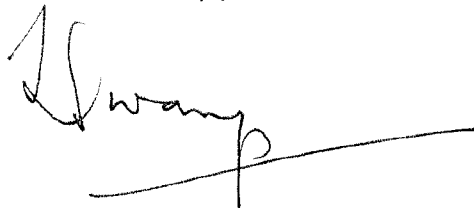
Respondent Shri K.L. Bhayana, Adviser, Shri Ajay Kalsi,
Company Secretary, and Shri Vivek, Sr. Manager,
attended on behalf of the Respondent

Date of Hearing : 22.11.2011, 21.12.2011, 11.01.2012 &
27.01.2012

Date of Order : 09.02.2012

ORDER NO. OMBUDSMAN/2012/440

- 1.0 The Appellant, Shri Rai Singh, S/o Late Shri Bhagmal Rajput
R/o H.No.44, Village Tigipur, Post – Bhakhtawar Pur, Delhi –
110036, has filed this appeal against the order of the CGRF-
NDPL dated 22.07.2011 in C.G. No.3354/03/11/NRL regarding
grant of a tube-well connection for agriculture purposes,
which was applied for in the month of August, 2001, to be



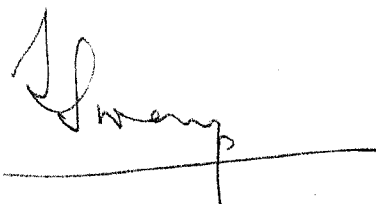
installed at Khasra No.586 (4-16), 587 (6-10), 588 (1-12) (Total area 12-18 Bigha), Village Jhangola, Delhi.

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

2.1 The Appellant had filed a complaint before the CGRF-NDPL regarding non-release of a new tube-well connection for Khasra No.586 (4-16), 587 (6-10), 588 (1-12) (Total area 12-18 Bigha), Village Jhangola, Delhi for agriculture purpose. He deposited an amount of Rs.2,600/- (Rs.1,600/- towards Consumption Deposit and Rs.1,000/- towards Service Line Charges) on 13.09.2001 with D.V.B. Later another Rs.8,000/- (Rs.6000/- towards Development Charges and Rs.2000/- for Security Line Deposit) were deposited under the new policy for agricultural connections on 29.10.2003 with the NDPL, as per the NDPL's demand note dated 16.10.2003.

2.2 The DISCOM's contention is that they did not release the connection due to policy issues for electrification of Agriculture Connections while issuing a Letter No.517/122306/AG dated 02.04.2005 for sharing of the electrification cost on 50:50 basis on L.T. to the Appellant. The Respondent states that they did not receive any reply to the said letter from the Appellant, which the Appellant contended was never received by him.

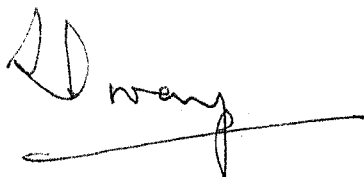
2.3 The Letter No.DJB/CE(S)/09/750 dated 10.09.2009 from the Office of the Chief Engineer (South), Delhi Jal Board, Govt. of



NCT of Delhi regarding direction under section -5 of the Environment (Protection) Act, 1986 in respect of boring of tube wells in NCT of Delhi, states that "consumer need not have prior permission of DJB for abstraction of ground water for agricultural uses. However, there is an urgent need to ensure that relaxation for agricultural uses in this Govt. Order is not misused. Many times the private builders after purchasing the agricultural land, develop it into the residential/commercial complexes and the Discom should take commitment in the shape of undertaking/affidavit stating that applicant will not change the use of land after getting the power connection."

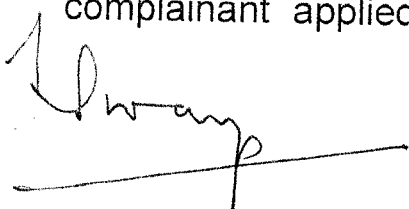
2.4 The Secretary (Environment) cum-Chairman, Delhi Pollution Control Committee vide D.O. No.PS/Secy. Env/GNCTD)/UT-CO/888 dated 02.12.2009 directed that permission of bore well installation may be granted to genuine agriculturists by the Advisory Committee under the concerned D.C. (Revenue), and the same activity was to be verified from the Khasra Girdawari documents for stopping the misuse of tube-well electricity connections, and also should be based on actual evaluation.

2.5 As contended by the DISCOM before the CGRF, the Appellant started pursuing the matter in 2010 only, but the new tube-well connections could be released only after submission of an NOC from the Advisory Committee under the concerned D.C. (Revenue) based on the recommendation of the BDO and the



Agriculture Department/I&FC Department, Government of NCTD, as per letter No.F.8(401)/EA/Env/09/8343 dated 22.12.2009 issued from the Department of Environment, Govt. of N.C.T. of Delhi addressed to the General Manager, Power Management and Corporate Commercial, North Delhi Power Ltd.

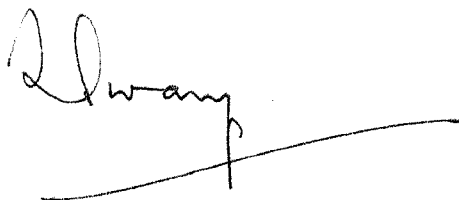
- 2.6 Further, the Respondent contended that as per the direction of the Delhi Electricity Supply Code and Performance Standards Regulation – 2007, and the Office Order No.IC-CCO/D09/21 dated February 12, 2010 issued by NDPL, regarding granting of permission/NOC for release of Agricultural connections, stipulates that the consumer is required to provide a "No Objection Certificate" from the Advisory Committee under the concerned D.C. (Revenue) based on the recommendation of BDO and the Agriculture Department/I & FC Department, Govt. of NCT of Delhi.
- 2.7 According to the Appellant, the area was already electrified and HT/LT line was passing through the site of his tube-well, and there were four tube-well (AG) connections already installed by the NDPL, and two of the said tube-well connections were applied for after his application for a new tube-well connection.
- 2.8 The CGRF-NDPL after hearing the parties vide its order dated 22.07.2011 in C.G. No.3354/03/11/NRL, decided that the complainant applied for a tube-well connection in the year



2001 and deposited Rs.2600/- on 13.09.2001 and Rs.8000/- on 29.10.2003, but after deposit of this amount the matter was not pursued by the complainant with the NDPL. The Respondent also failed to release the connection and in the meantime the new policy for release of agriculture tube-well connections came into force w.e.f. 22.12.2009. Therefore, the connection of the complainant could be released only after submission of an NOC from Advisory Committee under the concerned D.C. (Revenue) based on the recommendation of the BDO and Agriculture Deptt./I&FC Deptt. Govt. of NCTD. The Forum, further, ordered that as and when NOC was submitted by the complainant the connection was to be released and the interest @ 6% as per DERC guidelines on the security deposit from the date of deposit upto the date of release of connection, was to be adjusted in the account of the complainant which would be adjusted in future bills.

3.0 The Appellant, not satisfied with the above order of the CGRF-NDPL, has filed this appeal on 23.08.2011 and has prayed that:

- a. To set aside the order dated 22.07.2011 passed by Consumer Grievances Redressal Forum for NDPL. And order for release of the connection of electricity at the above said Khasra No.584, 587 & 588.



b. To pass any other or further order(s), which this Hon'ble Court may deem fit and proper in the interest of justice.

4.0 After receipt of the CGRF-NDPL's record and the para-wise comments from the Discom, the case was fixed for hearing on 22.11.2011.

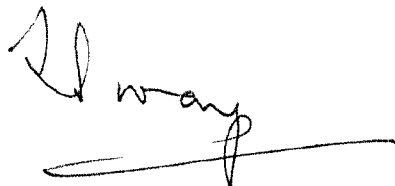
On 22.11.2011, the Appellant, Shri Rai Singh, was represented by Shri Alok Bajpayee, Advocate. The Respondent was represented by Shri K.L. Bhayana – Advisor, Shri Ajay Kalsie – Company Secretary, Shri Vivek Singh – Sr. Manager (Legal). Both parties were heard. The Respondent was asked to produce:

- a. Original files related to application of the consumer and grant of agriculture connections to his two neighbours.
- b. Policy for Agricultural Connections from 2003, onwards
- c. Reason for raising a further demand for Rs.8,000/- in 2003.

The case was fixed for further hearing on 19.12.2011.

4.2 The case was adjourned to 21.12.2011.

On 21.12.2011, the Appellant was not present. Shri Jai Govind Singh sought adjournment on behalf of the Appellant, as their counsel was busy. The Respondent did not provide the documents/information asked for in the last hearing and were advised to do so.



The case was fixed for further hearing on 11.01.2012

- 4.3 On 11.01.2012, the Appellant was represented by Shri Alok Bajpayee, Advocate. The Respondent was represented by Shri K.L. Bhayana – Advisor, Shri Vivek Singh – Sr. Manager (Legal). Both parties were heard. The Respondent did not produce any of the documents asked for during the last hearing, including the Agriculture Policy for grant of agriculture connections. They were given a final opportunity to do so.

The case was fixed for further hearing on 27.01.2012.

- 4.4 On 27.01.2012, the Appellant was represented by Alok Bajpayee, Advocate. The Respondent was represented by Shri K. L. Bhayana – Advisor, Shri Vivek Singh – Sr. Manager (Legal). Both parties were heard. The Respondent produced the K. No. files of Shri Brahm Singh and Shri Rai Singh. From the perusal of the files, it is evident that Rs.8,000/- + Rs.2,600/- was demanded as 50% share of the cost of electrification on L.T. system by the NDPL. No clear cut policy for agricultural connections was apparently there in the Discom at that time. The area was stated to be unelectrified. The Appellant stated that the area was electrified, and he had completed all the required formalities in 2003. He had also not received any further communication from the NDPL. The arguments were closed and the case was reserved for final orders.

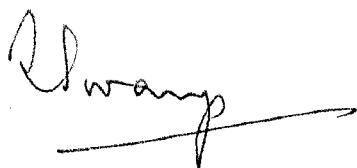


5.0 After hearing the arguments and perusing the records it is evident that the impasse would not have happened had the Discom granted the connection in the year 2003, when the Appellant completed the formalities, and deposited Rs.8000/- against the NDPL's demand note vide receipt No.321633 for K. No.517/1222306/AG dated 29.10.2003 in addition to the amount of Rs.2600/- deposited by the Appellant in the year 2001 with the erstwhile DVB, implying that the connection would be released to the Appellant and no policy constraints were foreseen.

5.1 The subsequent events are the fallout of, non-execution of the connection in time, which the DISCOM failed to explain to my satisfaction and no reasonable explanation, except that there was no clear cut policy for grant of Agriculture connection at that time was given. The DISCOM's explanation that the connection could not be executed in the year 2003, as it was not pursued by the Appellant is also untenable.

5.2 As per the records produced in the K. No. File, the Appellant had applied for the tube-well connection in the year 2001 with an N.O.C. dated 06.09.2001 from the B.D.O. for a load of 5 HP for an agricultural tube-well, which was already bored.

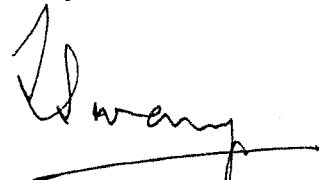
5.3 Further, it is also a matter of record, and as per averments made during the hearings, that this is a case of grant of electricity connection for an old tube-well which was already bored and existed in the year 2001. As such, the present



policy as enunciated vide letter D.O. No.PS/Secy. Env/GNCTD)/UT-CO/888 dated 02.12.2009 issued by the Secretary (Environment) cum-Chairman, Delhi Pollution Control Committee, Govt. of National Capital Territory of Delhi, should not apply to such already bored/existing tube-wells, but is for boring of new tube-wells. Accordingly, the electric connection to the tube-well which already existed in the year 2001 when the Appellant had applied for the tube-well connection in the year 2001 to D.V.B. and in 2003 to the NDPL, should be released without further delay. The DISCOM should also pay interest @6% per annum on the security deposit from the date of deposit upto the date of release of connection by cheque, to the Appellant for the undue delay in the release of the electricity connection for the tube-well, despite the fact that he had completed all the required formalities in 2003.

6.0 The appeal is disposed of accordingly. The Compliance Report of this order may be submitted within 21 days.

9th February 2012.


(SUMAN SWARUP)
OMBUDSMAN