

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/2012/472

Appeal against the Order dated 16.01.2012 passed by CGRF-TPDDL
CG.No. 3777/10/11/NRL.

In the matter of:

Shri Karan Singh - Appellant

Versus

M/s Tata Power Delhi - Respondent
Distribution Ltd.

Present:-

Appellant: Shri Mahesh Kumar Gill, Advocate was attended on behalf of the Appellant

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

Date of Hearing: 06.06.2012

Date of Order : 27.07.2012

ORDER NO. OMBUDSMAN/2012/472

This appeal is against the order dated 16.01.2012 passed by CGRF-TPDDL arising out of a complaint of the consumer, in which he stated that he had applied for a new electricity connection. The Discom had duly inspected the site and after finding it proper a Demand note bearing no.60013829621 was issued to him on 09.08.2011 vide Notification No. 2000786361. He had promptly paid the dues of Rs.3600/- on 11.08.2011. According to him the connection was to be released in 15 days but the Discom had not released the same upto filing of this case before CGRF.

Discom has opposed the contention of the complainant before CGRF stating that the connection could not be released to him as another electricity connection bearing K. No. 43205118514 was found existing in the same premises in the name of a Mrs. Saroj Devi. According to the Discom since there was no separate dwelling unit for the new connection, it could not be released. At the same time the reply of the Discom in the CGRF in para (4) admits that there were two separate points.

CGRF has upheld the contention of the complainant and passed an order for installation of meter within 7 days of the order and also awarded Rs.2000/- as compensation to the complainant for the harassment.

Now the complainant has filed this appeal for increase of compensation on the strength of section 43(1) & (3) which provide penalty which may be extended to Rs. 1000/- for each day of default (for delay of release of connection) under the Electricity Act, 2003.

I heard both the parties on 6th June 2012 and perused the records carefully. The representative of the Discom has argued that during a second inspection carried out it was revealed that another connection was existing in the same premises and there was no second, and separate, dwelling unit. Therefore, the connection could not be released as per rules.

I fail to appreciate the contentions of the Discom, firstly, as to under what Act, Rules, Regulations, Notifications, it had picked up the definition of separate dwelling unit. Interpretation of dwelling unit cannot be left to the choice of the Discom. No specific area (sq. meter etc.), number of Rooms, type of construction, or list of amenities etc. can be specified as defining any dwelling unit. If this type of guidelines are to be accepted then there may not be a chance to provide electricity connections to the very poor people who do not possess such facilities. Since electricity is a basic need which cannot be denied to any applicant who is ready to fulfill the other requirements of the Discom regarding security amount and payment of bills in time etc. the connection cannot be denied.

Secondly, in the first inspection the premises were found to be O.K. and a demand note was duly issued which was paid by the complainant in time. The motive on the part of Discom in denying electricity is not, therefore, clear and the Appellant becomes eligible for suitable compensation, on ground of delay.

It was argued that the complainant had remained without electricity for about 6 months after payment of the security amount. The appeal is, therefore, accepted and a connection had to be released as was also ordered by CGRF. However, the contention of the complainant regarding imposing penalty 43(3) for delay in release of connection cannot be accepted because the DERC is the proper authority for this purpose and not the Ombudsman.

The connection was finally energized on 27.01.2012. As per schedule III of Regulation 2007 the compensation can be Rs.6084/-. Hence, compensation of Rs.10,000/- is ordered on this account and on account of harassment caused.


(PRADEEP SINGH)
OMBUDSMAN

27th July, 2012

