

OFFICE OF 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

(Phone-cum-Fax No.: 011-26144979)

Appeal No. 51/2023

(Against the CGRF-BRPL's order dated 04.10.2023 in C.G. No. 81/2023)

IN THE MATTER OF

Smt. Biva Rani Das

Vs.

BSES Rajdhani Power Limited

Present:

Appellant: The Appellant was represented by her son Shri Saikat Das

Respondent: Shri Vikram Narula, General Manager, Shri S Bhattacharjee, Sr. Manager and Shri Arav Kapoor & Ors, Advocates, on behalf of BRPL

Date of Hearing: 14.02.2024

Date of Order: 15.02.2024

ORDER

1. Appeal No. 51/2023 has been filed by Shri Saikat Das, s/o Smt. Biva Rani Das, Registered Consumer, R/o G-158-A, Adhyapak Nagar, Nangloi, Delhi - 110041, against the CGRF-BRPL's order dated 04.10.2023 passed in C.G. No. 81/2023.

2. The instant case is that the Appellant received a bill dated 26.06.2023, for a total amount of Rs.9,110/-, in which Rs.8,040/- had been levied on account of 'security deposit' and 'service-line charges' of Rs.4,500/- and Rs.3,540/- including GST, respectively, against an electricity connection bearing CA No. 154147827 released in the month of June, 2023. According to the Appellant, in this case, service-line charges were not applicable because no service line has been laid, as it is a looping connection with another electricity connection bearing



CA No. 154129263. The Appellant requested the Discom for reversal of 'service-line charges' of Rs. 3,540/- (including GST), which the Discom turned down vide its letter dated 14.08.2023 on the ground that as per DERC's guidelines, service-line charges are mandatory and required to be paid by the consumer, as and when a new connection is sanctioned/released. In between, the Discom sent a notice dated 03.08.2023, for the disconnection of electricity supply under Section 56(1) of the Electricity Act, 2003, for unpaid dues of Rs.10,723.58, against the electricity connection bearing CA No. xxxx7827.

3. Not satisfied with the reply of the Discom, the Appellant filed a complaint via e-mail on 11.08.2023 before the CGRF and prayed to direct the Discom to revise the bill after removing service-line charges, including GST, for an electricity connection bearing CA No. 154147827 for the month of June, 2023. The Appellant also submitted that she was ready to pay the balance amount of Rs. 4,500/- (Security Charges) and current consumption charges online, but the part-payment option was not available. The Appellant finally lodged a complaint in writing on 28.08.2023, and duly informed the CGRF that she had approached the Permanent Lok Adalat, where the Hon'ble Judge advised her to approach the CGRF to get more clarity on the issue and the rules whereby the Discom charged service-line-charges twice without laying the cables.

4. However, the Respondent (Discom) before the Forum rebutted the same and submitted that as per *Clause 30 (iii) of DERC's Supply Code, 2007 and Clause 21(2) of DERC's Supply Code, 2017*, - "*In case the area is electrified or to be electrified by the Licensee, the new connections shall be released on payment of the applicable cost (including SLDC) up to the point of supply towards the EHT system, HT system, LT system, civil work, service line, road restoration charges, and supervision charges as specified in the Commission's Orders.*" In support of its submission, the Discom placed photos of both meters before the Forum and submitted that it was very clear from the photos that both meters were energized using 'bus bar' feed through a separate service line and not through the insulated taped 'loop' connection arrangement. As such, as per regulations, SLD charges have been levied correctly.

5. The CGRF-BRPL (Forum) in its order dated 04.10.2023 directed the Appellant to meet the Discom in their office for any further clarification. The Respondent was also directed to cooperate with the complainant. The complainant expressed her dissatisfaction as she was not being given a satisfactory reply to her queries, which made her to approach CGRF.



6. The Appellant not satisfied with the clarification by the Discom, filed this appeal on the ground that the Discom is harassing her by not accepting part-payment of the bill and again levied late-fee in the bill of October, 2023, which is against the CGRF's order and prayed to look into the matter and provide justice to her.

7. The Discom, in its reply dated 09.01.2024 to the appeal submitted that the Appellant had two connections at the subject premises. One connection already existed in the said premises with CA No. 154129263, and another meter was installed vide CA No. 154147827 in the month of May, 2023. The Discom reiterated its stand as before CGRF that the SLD were charged as per DERC's Regulations 30(iii) of the Supply Code, 2007 and Regulation 21(2) of the Supply Code, 2017. Further, the Discom also submitted that the new connection (CA No. 154147827) was energized by a 'bus-bar' connection instead of a 'loop' connection, therefore, the Appellant is liable to pay SLD charges. In this regard, the Discom referred to Regulation 11(4)(iv)(a) and (b) of the DERC (Supply Code and Performance Standards), which clearly stated as given below:

“(a) If more than one connection in a premises/complex are energized using a single service line or a cable, all such connections shall be energized using the bus-bars only without looping with other meters.

(b) Any existing connection, provided through loop connections energized prior to 18.04.2007 (date of notification of Delhi Electricity Supply Code and Performance Standards Regulations, 2007, shall be rectified and re-energized using bus-bars within 6 (six) months from the date of applicability of these Regulations.”

The Discom further submitted that on the direction of the Forum, the Appellant was again explained the whole procedure and regulation of charging SLD. Moreover, the Appellant herself requested that she would make the payment of said amounts in part, which was also accepted but part payments of the due amounts was also made at irregular intervals.

8. The appeal was admitted and taken up for the hearing on 14.02.2024. During the hearing, the Appellant was represented by her son Shri Saikat Das and the Respondent were represented by its authorized representatives/counsel. An opportunity was given to both the parties to plead their case at length.



9. During the course of the hearing, the Appellant mainly contended regarding levied service line-cum-development charges (SLD) in the bill. The Appellant further submitted that despite a complaint lodged vide letter dated 30.06.2023, e-mails sent in July and August, 2023, and personal visit to the office of the Discom, no appropriate reply was received by her. The Appellant also submitted that she became aware of the applicability of DERC Regulations, 2017, in August, 2023, during the pendency of the matter before the CGRF. Moreover, in spite of making part payments, a disconnection notice was received by her. However, after intervention by the CGRF, the Discom allowed her 50% of the balance payment.

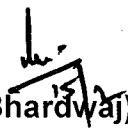
10. In rebuttal, the Respondent reiterated its submissions as submitted before the CGRF as well as in this Court. The General Manager of the concerned Division, who was also present, reveals the details about the payments made by the Appellant (excluding the SLD charges). On being asked, why there is delay in response to the Appellant's complaint lodged in June 2023, the Respondent could not submit satisfactory reply.

11. This Court has heard both parties and perused the appeal and written statement, respectively. This Court has also gone through the relevant provisions of the Regulations and is of the opinion that both the electricity connections bearing CA No. 154147827 and 154129263 were energized during May, 2023, therefore, the DERC (Supply Code and Performance Standards) Regulations, 2017, apply, and any reference to the DERC's Supply Code, 2007, by the Discom in its reply as well as in CGRF's order dated 04.10.2023 is uncalled for. As per Regulation 11(4)(iv) of DERC's Supply Code, 2017, as mentioned in para 6 supra, a new connection can only be energized by a 'Bus Bar' connection. Further, Regulation 21(2) and Schedule Charges & Procedure 5th Amendment Order dated 30.12.2019 of the DERC's Supply Code, 2017, clearly states that (i) normative SLD charges will be payable by the applicant for taking a new electricity connection at LT supply for connection up to 200 kW/215 kVA tabulated at 1(i) - in electrified area up to 5 KW @ Rs.3,000/- + actual road restoration (RR charges). But in this case, being HVDS net-work, service cable was laid in an overhead (O/H) manner, thus no RR charges were levied. It is not however apparent from the record whether the relevant details were included in the demand note, as contemplated in Regulation 11(3)(ii) of the DERC's Supply Code, 2017. The Appellant could have been provided break-up of the amount along with the alleged bill or a detailed sheet so that she could be aware of the applicable Regulation 11 (3)(ii) of DERC Regulations, 2017, at an initial level.



12. In view of the above, this Court directs as under:

- (a) Upholds the order dated 04.10.2023, passed by the CGRF-BRPL. The appeal is dismissed as devoid of merit.
- (b) In terms of the e-mail communication dated 23.10.2023 from the Discom to the Appellant, upon payment of the entire amount, LPSC amount shall stand waived.
- (c) For the harassment suffered by the Appellant, Discom shall pay a compensation of Rs.2,500/- to be adjusted against the bills.
- (d) CEO of the Discom may take steps to sensitize the officers and staff for consumer friendly approach and also devise suitable modules for training. General Manager (Business) should be made responsible to take effective endeavours to resolve grievances based on efficient communication with the aggrieved consumers. In this case also responsibility be fixed to ascertain the official responsible for delay in removing the grievance.
- (e) Action taken report be shared in next 30 (thirty) days.


(P.K. Bhardwaj)
Electricity Ombudsman
15.02.2024