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Office of the Electricity Ombudsman
(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act, 2003)
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Appeal No. F. ELECT/Ombudsman/2013/568

Appeal against the Order dated 30.04.2013 passed by CGRF–TPDDL in CG.No.4982/01/13/RHN.

In the matter of:

Shri Manoj Malik - Appellant

Versus

M/s Tata Power Delhi Distribution Ltd. - Respondent

Present:-

Appellant : Shri B. P. Agarwal, advocate, attended on behalf of the Appellant.

Respondent : Shri Vivek, Sr. Manager (Legal) and Shri Anirudh Sinha (Sr. Officer) attended on behalf of the TPDDL.

Date of Hearing: 18.06.2013, 09.07.2013

Date of Order : 07.08.2013

ORDER NO. OMBUDSMAN/2013/568

This appeal has been filed by the complainant, Shri Manoj Malik, against the order of the Consumer Grievance Redressal Forum (CGRF) dated 30.04.2013 in which the Tata Power Delhi Distribution Limited (TPDDL) was ordered to release a new electricity connection to him, on filing of a No Objection Certificate (NOC) from the Delhi Fire Services failing which the amount paid by the consumer was to be refunded, alongwith interest.

The complainant had filed his case before the CGRF stating that he had applied for a new connection vide notification No.2001597501 dated

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06.12.2011. He had paid Rs. 6000/- in February, 2012 against the demand note issued by the TPDDL (DISCOM). He alleged that the DISCOM had not released the connection as per the Indian Electricity Act, 2003 and the DERC Regulations, after this payment.

The DISCOM in its reply before the CGRF said that the height of premises was found to be more than 15 meters after issue of demand note and, therefore, he was also asked to file a NOC/safety clearance from the Fire department as required by the rules. He had not done so and, therefore, it was not obliged to release the connection.

Now the complainant has filed the present appeal (which was amended by an amended memo of appeal dated 07.06.2013) in which he has reasserted his contention before the CGRF and added that the only step remaining, after issuing of the demand note, is to release the connection as per clause 16(iv) of the DERC Supply Code and Performance Standards Regulations, 2007.

The DISCOM filed objections to the appeal stating that the release of a connection would be in violation of the Delhi Fire Service Act, 2007 read with the Delhi Fire Services Rules, 2010, alongwith the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations, 2010, in which the Clause 36 postulates that the electricity supply to buildings more than 15 meters in height shall be in accordance with "the relevant codes of practice". Accordingly, it is necessary that the complainant should file a NOC from the Fire Department as prescribed in the relevant code i.e. DERC Supply Code and Performance Standards Regulations 2007 (Annexure-1). In the Application for Connection a requirement is shown in column 5(3) of a "Fire Fighting/Lift Safety Certificate (wherever applicable), in the List of Documents to be attached.

Both the parties were heard. The contention of the Appellant that after payment against the demand note the only step remaining is release of the connection is not acceptable. If the DISCOM finds an error subsequently, or an


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overlooked fact, it can get it rectified at any time before releasing the connection. Accepting payment against the demand note does not imply the DISCOM loses the right to re-examine the documents and verify, again, their adequacy and correctness, especially if new facts are brought to its notice

Further, as requested by the Appellant the DISCOM was asked to supply information regarding release of two connections, one pertaining to Smt. Santosh Goyal and the other to Shri Jitender Kumar, which were said to have been released in similar circumstances. In one case the building was reported to have exceeded 15 meters after release of the electric connection and in the other the release was later found to be erroneous as no NOC had been sought. These facts were admitted by the DISCOM but it was found these cases could not be used as precedents and a basis to accept this appeal and to allow release of a connection. If anything the DISCOM is required to independently take a view on the action, if any, to be taken in both these cases, separately on the basis of the new information. No orders can be passed on these cases as they are not before us for decision.

In view of the above discussion, no infirmity can be found in the order of the CGRF and the appeal does not succeed. Case dismissed.


(PRADEEP SINGH)
Ombudsman


August, 2013

