

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/2008/70

Appeal against Order dated 02.03.2005 passed by CGRF-BRPL in case CG. No. 416/2004.

In the matter of:

Brig. S.C.L. Malik - Appellant

Versus

M/s BSES Rajdhani Power Ltd. - Respondent

Present:-

Appellant Brig. S.C.L. Malik was present in person alongwith
Brig. P. Bhattacharya and
Col. P.C. Jaidka

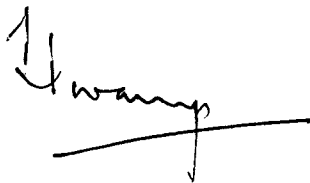
Respondent Shri S.K. Kansal, Business Manager and
Shri R.S. Yadav, Section Officer, attended on behalf of
the BRPL

Date of Hearing : 06.01.2009

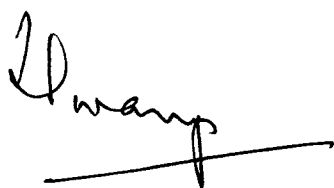
Date of Order : 19.03.2009

ORDER NO. OMBUDSMAN/2009/70

1. Brig. SCL Malik AVSM (Retd.), Chairman Electricity Committee of the Delhi Sainik Farms Co-operative House Building Society Ltd. has filed this appeal against the orders dated 02.03.2005 of the CGRF-BRPL in case CG No. 416/2004 as the grievances of the Appellant were not resolved.



2. The background of the case, as per the submissions made by the parties is as under:-
- i) In response to DESU's public notice appearing in the newspapers dated 02.09.1996, 13 officers of the Delhi Sainik Farms Co-operative House Building Society Ltd., including the Appellant, who had domestic connections in addition to agriculture connections, applied for and paid necessary money for enhancement of domestic load under the VDS (Voluntary Declaration Scheme).
 - ii) No action was taken by the Respondent for allowing load enhancement by augmenting the existing distribution system as Sainik Farms was not included in the list of unauthorized colonies slated for regularization.
3. The issue of electrification was agitated before the Hon'ble Delhi High Court and in its order dated 03.02.2006 in WP(C) No. 9540-41/2005, the Hon'ble High Court observed as under:-
- a) Issue of regularization of unauthorized colonies has vexed the citizens of Delhi since 1993. Till date no final policy decision has been taken by the Government. Illegal colonization is continuing.
 - b) Issue relates to municipal governance and providing civic amenities. Since the statutory authorities have totally failed to discharge their functions and since the subject of 'land' in Delhi continues to be vested in the Central Government and since Delhi Development Authority and Municipal Corporation of Delhi are statutory authorities created under Central Legislation

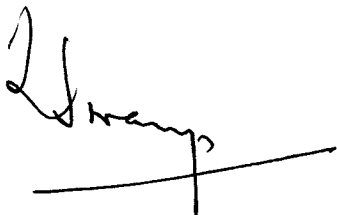


(47)

and the Central Government has a power to issue directions to the said authorities, in my opinion, the Central Government is liable to be issued directions to mitigate the problems of the petitioners.

- c) The writ petition was disposed off with the directions to Secretary, Ministry of Urban Development, Government of India to convene a meeting of representatives of MCD, DDA, Delhi Jal Board, BSES-Rajdhani Power Ltd. etc within two months of the order and the land to be identified was to be made available to the electric supply company i.e. BRPL. This was to be done within a period of six months. Thereafter BRPL would take steps to augment electricity supply to the petitioners and other original allottees of farm land, including their legal heirs. This was subject to the condition that the original holding had been retained by them and no portion had been sold for illegal and unauthorized colonization. It was made clear that this benefit would be available only to those who had retained the original holding of the farm and had not sold any part thereof to a third party.

4. As per the decision taken in the meeting held under the Chairmanship of Secretary (UD) on 10.03.2006, the Principal Commissioner DDA was requested to identify the land required for 66KV grid sub-station. In another meeting held on 05.05.2006, the BRPL stated that out of 17 original members as intimated earlier, 12 have already been given supply. Three more members had been given temporary connections, and the remaining two had yet to submit the applications to BRPL. All



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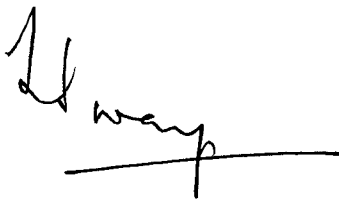
the remaining applicants were to submit applications by 15.05.2006, against which BSES would give the supply by 15.06.2006. Since BSES had a capacity constraint, the supply to these applicants was to be limited to a maximum of 10KW, and this load capacity was acceptable to the representatives of the society.

5. As per the decision taken by the committee, the Respondent have stated that they enhanced the load upto 10Kw of all the 13 applicants in 2006. The Business Manager informed vide letters dated 08.09.2008 and 29.09.2008 that additional load as applied for under the VDS scheme in 1996 was not allowed in Sainik Farms and part of the money deposited by the applicants had already been refunded in 1998 (except major part of the development cost).

Not satisfied with the CGRF-BRPL's order and subsequent actions of BRPL, the Appellant has filed this appeal.

6. After scrutiny of the contents of the appeal, the CGRF's order and the replies submitted by both the parties, the case was fixed for hearing on 06.01.2009.

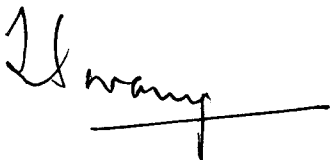
On 06.01.2009, the Appellant, Brig. SCL Malik was present in person along with Brig. P. Bhattacharya and Col. P.C. Jaidka. The Respondent was present through Shri. S. K. Kansal, Business Manager and Shri R. S. Yadav, Section Officer.



7. Both parties were heard. The Appellant stated that the Respondent had given 10KW load to each of the 13 original allottees some time in 2006, for which they have made some payment. It is therefore clear that the amount deposited earlier in 1996 under the VDS scheme should have been refunded alongwith interest to these 13 original allottees. The Respondent officials confirmed that a 10KW load had been provided to all the 13 original allottees and part of the amount deposited under the VDS, was also refunded. **It was directed that the remaining amount deposited by these 13 allottees under the VDS scheme be also refunded alongwith 6% simple interest, since this should not have been retained for so many years by the Respondent.**

The Respondent officials stated that while enhancing the load upto 10KW the development cost had not been recovered from the 13 allottees. It was therefore decided that the balance amount not recovered towards development cost, can be adjusted from the amount deposited under the VDS scheme. The Respondent officials were directed to submit a complete statement in respect of all the 13 allottees, indicating the amount received in 1996, the amount refunded so far, and the balance due to them. The amount received for enhancement of load up to 10KW and amount short charged was also to be reflected in the statement.

8. DGM (B) Div. Saket has stated in his letter dated 12.02.2009 that as per the record available only two consumers viz Brig. S.C.L. Malik and Shri S.P. Gupta have got the load enhanced, out of the 13 original allottees although during the hearing, it was stated that all the 13 consumers had got the load enhanced upto 10 kw. This is contrary to the facts given at



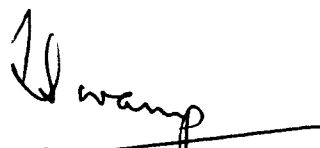
the hearing. To this extent the position of amount to be refunded undergoes a change. As per the revised statement submitted by the Respondent on 17.03.2009 the amount refundable along with 6% interest till February 2009 has been worked out as under:-

Sl. No.	Name	Amount refundable (Rs.)	Interest @ 6% till February 2009 (Rs.)	Total refundable amount (Rs.)
1	Brig. SCL Malik	4187	5804.82	9991.82
2	Brig. B S Perhar	6429	4789.61	11218.61
3	Brig. P. Bhattacharya	12557.25	9355.15	21912.40
4	Col. R.S. Kalra	7038.75	5243.87	12282.62
5	Col. S. P. Gupta	1799	3895.25	5694.25
6	Col. Roshan Lal	6387	4758.32	11145.32
7	Col. P.C. Jaidka	6987	5205.32	12192.32
8	Maj. M.L. Gupta	8787	6546.32	15333.32
9	Navdeep Sing	6438.75	4796.87	11235.62
10	Brig. O. P. Narula	4338.75	3232.37	7571.12
11	C. M. Khurana	9387	6993.32	16380.32
12	Wg. Cdr. K. N. Sinha	8937	6658.07	15595.07
13	Maj Vijay Kumar	6429	4789.61	11218.61

The total refundable amount indicated in the last column in respect of each consumer, be refunded through cheques to them.

Compliance be reported within 21 days of this order.

19th March 2009


(SUMAN SWARUP)
OMBUDSMAN