

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

Petition No. 62/2004

Sh. Bal Ram Kumar
K-70 Udyog Nagar,
Rohtak Road,
New Delhi – 110 041

.....**Petitioner**

Versus

BSES Rajdhani Power Ltd.
Through its CEO
BSES Bhawan, Nehru Place,
New Delhi – 110 019

.....**Respondent**

Coram :

Sh. K. Venugopal, Member & Sh. R. Krishnamoorthy, Member.

Appearance :

1. Sh. V.K. Goel, Advocate for the Petitioner.
2. Sh. R.C. Mehta, DGM, BRPL for the Respondent.

ORDER

(Date of Hearing: 09.02.2005)

(Date of Order : 23.2.2005)

1. In the year 1996, the Petitioner applied for an industrial connection and was asked to deposit a sum of Rs.90,915/- by the erstwhile Delhi Vidyut Board (DVB). The Petitioner deposited this amount vide receipt No. 68886 dated 17.5.1996 in the Vikas Puri District Office of DVB. As per the Petitioner's allegation, the connection was not energised despite a lot of follow up, and in the mean time another district, namely Nangloi District, was carved out of Vikas Puri District. The Petitioner kept following up with this District also but on one pretext or the other, the connection was not energised. The Petitioner approached the Bijlee Lok Adalat of DVB but the matter was not taken up. As the Petitioner was in dire need of a connection, he applied for a fresh connection and deposited Rs.1,33,771/- before the Respondent on 31.12.2003. The new connection was installed in the first week of February, 2004, but the earlier amount deposited was not adjusted. The Petitioner prayed for refund of Rs.90,915/- with interest and award of suitable damages for the harassment caused by the Respondent.

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2. The Respondent in its reply has admitted that the Petitioner had applied for a new connection in the year 1996 for a load of 90 KW and had deposited an amount of Rs.90,915/- which includes Rs.9,600/- as development charges. The said connection of 90 KW could not be energised at that time. This being a very old case relating to the year 1996, the relevant file could not be traced. The petitioner again applied for a new connection for a load of 89.52 KW for premises at A-79, Udyog Nagar, Rohtak Road, New Delhi. A total demand of Rs. 143371/- was worked out for a load of 89.52 KW. After adjusting the development charges of Rs.9600/- paid earlier by the petitioner, the net demand was worked out to be Rs.133771/-. The petitioner deposited the same amount on 31.12.2003 and the connection of 89.52 KW was energised during February, 2004. The Respondent further submitted that out of the amount of Rs.90,915/- deposited by the Petitioner and after adjusting Rs.9,600/-, as development charges against new connection, the balance amount, which works out to Rs.81315/-, would be refunded to the Petitioner through his future electricity Bills. In the rejoinder submitted, the Petitioner had acknowledged the fact that the Respondent had agreed to the contents of the petition including giving credit of Rs.81,315/- in future bills. The Petitioner has further requested for a suitable compensation on account of unnecessary litigation and harassment.
3. During the hearing, also the Counsel for the Petitioner submits that there has been a prolonged and continuous harassment from the Respondent and that he has a limited prayer for grant of some compensation, which may serve as a deterrent to the Respondent for the future.
4. Sh. R.C. Mehta, DGM, BRPL, appearing for the Respondent on the other hand pleaded that the instant consumer deposit pertains to pre-privatisation of erstwhile DVB period and that the relevant record is not traceable. Sh. Mehta further submitted that the consumer should have followed up the matter to avoid such inordinate delay.

.....Contd. N.P.

As such, the present Respondent is not responsible for the delay in energising the connection applied earlier by the petitioner. He also mentioned that the earlier records were not available. Sh. Mehta further submitted that the Respondent has energised the fresh connection of the petitioner within reasonable time. It was noted that the earlier deposit is not in the hands of Respondent.

5. After having considered submissions and pleadings of both the parties, the Commission is of the view that the reply of the Respondent is not tenable. As far as the submissions of the Respondent regarding lack of records are concerned, this is an internal matter of the Respondent. Commission also took note of the fact that the Respondent had taken cognisance of the earlier amount deposited, and had adjusted to Rs.9600/- while giving connection in February 2004 but has started adjustment of balance amount of Rs. 81,315/- from January, 2005 only, which could have been started earlier. In so far as the Petitioner is concerned, he only expects a connection within a reasonable period once the requirements are fulfilled.
6. In view of the above facts and circumstances, a case is made out that there has been an inordinate delay in adjusting the earlier deposit. In these circumstances, it will be appropriate that the Petitioner is compensated for the delay and harassment.
7. The Commission after considering the submissions and other information/details, comes to the conclusion that, it would be reasonable to direct the Respondent to pay as compensation, a sum of Rs.5000/- as mitigation of hardship and harassment faced by the Petitioner for the delay in commencement and adjustment of the balance amount of Rs.81,315/-.
8. The parties to bear their own costs. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(R. Krishnamoorthy)
MEMBER