

## **DELHI ELECTRICITY REGULATORY COMMISSION**

Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 110017

**Petition No. 48/2006**

### **In the matter of:**

Raghubir Singh,  
B-129, Sangam Vihar,  
New Delhi – 110 062.

.....**Complaint**

### **VERSUS**

BSES Rajdhani Power Ltd.,  
Through its: **CEO**,  
BSES Bhawan, Nehru Place,  
New Delhi – 110019.

.....**Respondent**

### **Coram:**

**Sh. Berjinder Singh, Chairman, Sh. K. Venugopal, Member &  
Sh. R. Krishnamoorthy, Member.**

### **Appearance:**

1. Sh. Raghubir Singh
2. Sh. Hemant Verma, Business Manager, BRPL
3. Sh. S. K. Bhattad, AFO
4. Sh. R. C. Mehra, AVP

### **ORDER**

(Date of Order: 23.04.2007)

1. The present complaint was forwarded by the Office of Electricity Ombudsman, recommending imposition of penalty upon the Respondent for deficiency in service. The brief background of the case is that:
  - (a) The Complainant applied for the connection on "as is where is basis" to the DVB by depositing Rs. 15,387/- on 28.10.1998. This included the first installment of the Development Charges plus electricity consumption charges amounting to Rs. 9,000/- @ Rs. 500/- per month for the past 18 months (since 01.06.1997.)
  - (b) The Complainant submitted that on 26.12.1998, he received a bill of Rs. 400/- without being provided electricity connection. The Complainant requested the DVB to cancel this bill and further made a request not to send any bills till the supply of electricity is given. The Complainant deposited Rs. 23,497/- on 13.07.1999 to get the supply. On 06.12.1999 he again deposited the cost of the meter amounting to Rs. 825/-.

- (c) The meter was installed at the premises of the Complainant on 26.02.2000, but was neither energized nor connected with the supply line.
- (d) The Complainant filed a complaint before the CGRF on 21.04.2006. The CGRF, vide its Order dated 26.06.2006, directed the Complainant to file an affidavit to the effect that he did not get the electricity supply from the DISCOM from 26.02.2000 to May, 2002 and further directed that on submission of the affidavit by the Complainant, energy charges could be recovered from him for the period from 13.07.1999 to 26.02.2000.
- (e) The Complainant preferred an appeal before the Electricity Ombudsman against the said Order i.e. 26.06.2006, where he submitted that he was without electricity for more than 05 years despite depositing Rs. 40,000/- with the DVB.
- (f) The Respondent submitted before the Ombudsman that the Complainant applied for the connection under "as is where is basis" (popularly known as kundi connection). The DVB provided him the 'kundi connection' and the Complainant was supposed to lay his service cable from DVB LT mains as per the provisions of the scheme.
- (g) The Ombudsman, vide its order dated 06.10.2006, held that the Respondent was liable for deficiency of service as a result of which the Appellant/complainant was put to immense harassment as he remained without electricity for more than 05 years despite having paid full development charges, cost of meter and having completed all the formalities and recommended penalty upon the Licensee/Respondent for deficiency of service. The Ombudsman further directed the following:
  - “(i) A token compensation of Rs. 5,000/- was awarded towards harassment caused to the Complainant.

- (ii) To pay interest on all the monies paid by the Appellant from February, 2000 for getting the electric connection till the date he was given the supply of energy. The rate of interest was to be the same as is charged by the DISCOM for late payment of electricity charges.
  - (iii) To charge for the new connection as per the charges in the current year (Oct. 2006) and refund the balance money which was paid in the year 2000 since no connection was given to him at that time. The new connection now given to him is to be paid at the current rates/charges now payable.
  - (iv) A thorough and systematic enquiry may be made by the CEO into the incident of 21.04.2006 when the raid was conducted at the Appellant's residence at 10.00 p.m.
- (h) The Respondent in response to the show-cause notice dated 06.12.2006 issued by this Commission have submitted the following:
- (i) The Complainant applied for a connection under "as is where is (kundi connection scheme) basis". The consumer under the scheme was required to get the connection on his own from the LT mains after hooking to the same.
  - (ii) The area has been electrified by the Respondent through HVDS and now, a regular connection has been provided to the Complainant. The said area prior to July, 1997 was unelectrified.
  - (iii) The amount paid towards the Development Charges are not refundable as per DERC letter dated 27.08.2005.
  - (iv) In compliance of the Order of the Ombudsman dated 06.10.2006, the Respondent have submitted that they sent a cheque bearing no. 922825 dated 10.11.2006 of Rs. 5,000/- to the Complainant through special messenger, but the Complainant refused to accept the same.

2. Both the parties are present. The Complainant who is present in person has submitted before this Commission that he has been harassed by

the Respondent for no fault of his and he has been running from pillar to post to seek justice.

3. The representative of the Respondent, Sh. R. C. Mehta has submitted that a regular connection has now been provided to the Complainant on 23.09.2006 by charging only Rs. 2,000/- towards Service Line charges but, Sh. Mehta could not give any satisfactory explanation as to why the Complainant was put to so much of harassment and inconvenience by the Respondent.
4. It is evident that the Respondent have failed to fulfil their statutory obligation in the present case as in terms of Section 43 of the Electricity Act, 2003, the DISCOM has to give supply of electricity within one month from the date of receipt of the application or otherwise they have to apply for the extension of time to this Commission. In case the DISCOM fails to supply electricity within the period specified in Sub-section (1) of Section 43, they are liable to a penalty which may extend to Rs. 1,000/- for each day of default in terms of Sub-section 3 of Section 43 of the Electricity Act, 2003.
5. In the present case, the Respondent did not give any cogent or plausible explanation for delay of over 05 years. Moreover, the Ombudsman in its Order dated 06.10.2006 has also questioned as to why the Appellant was asked to deposit full development charges and meter cost when it was known to the officials that the area was un-electrified *and that meter cannot be energised*. The order of the Ombudsman also indicates how three other connections (i) Surya Service Station (ii) B-55-A, Residence cum shop, (iii) B Block Gurudwara were energized in B Block, Sangam Vihar whereas the Appellant's meter was not energized even though his residence was also in 'B' block itself.
6. The Respondent could not answer all these questions which only shows how callously the Respondent Licensee have dealt with the whole matter, causing incalculable harassment to the Complainant continuously for years together. The conduct of the Respondent in this case is most deplorable and is a classic case of how a monopoly position can be abused.

7. In view of the above, the Commission decides to impose a penalty of Rs. 25,000/- against the Respondent for deficiency in service and for not complying with the Order of the Ombudsman to the full extent. The Respondent are further directed to pay a compensation of Rs. 10,000/- to the Complainant for the constant harassment undergone by him for several years. This amount of compensation would be in addition to the amount awarded by the Ombudsman. The Respondent shall comply with the orders and submit a compliance report to the Commission within 04 weeks from the date of this Order.

Sd/-  
(K. Venugopal)  
MEMBER

Sd/-  
(R. Krishnamoorthy)  
MEMBER

Sd/-  
(Berjinder Singh)  
CHAIRMAN