

Delhi Electricity Regulatory Commission

Viniyamak Bhawan, C-Block, Shivalik, Malviya Nagar, New Delhi-110 017.

F.No. 7(23)/DERC/C-325/2004-05

Shri Ravi Dev Gupta,
B-5/108, Safdarjung Enclave,
New Delhi-110029.

..... Complainant

Versus

BSES Rajdhani Power Ltd.
through its CEO,
BSES Bhawan,
Nehru Place,
New Delhi-110019.

..... Respondent

Coram :-

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

Appearance :-

1. Shri Ravi Dev Gupta, Complainant;
2. Shri R.C. Mehta, DGM(RCM), BSES; and
3. Shri Irfan Khan, Business Manager, BSES.

ORDER

(Date of Hearing : 04.08.2005)

(Date of Order : 22.08.2005)

1. The complainant, Shri Ravi Dev Gupta took up the matter with the Grievances Redressal Officer (GRO) appointed by the DERC for handling grievances of the consumers in the area served by BSES Rajdhani Power Limited. His complaint dated 24.09.2004 was received in the Commission on 27.09.2004. The complainant had sought no redressal to grievance(s) as there was none at the time of making the complaint. Only a limited request, to impose penalty on the BSES Rajdhani Power Limited in accordance with Sections 43(1) and 41(3) of Electricity Act, 2003 was made for the delay caused, beyond the stipulated period of one month, by the Licensee in giving new electricity connection. The record placed before the Commission revealed the facts as enumerated in the succeeding paragraphs.

2. On 29.07.2004, an application for load of 5.42 KW for DDA Flat No. 67, Ground Floor, SFS, Pocket-F, Phase-I, Shekh Sarai was made by the complainant under Acknowledgment No. N252004071147 issued by BSES Rajdhani Power Limited. The complainant claims that there was no positive action for a fortnight thereafter, in spite of several reminders. The complainant, therefore, visited the BSES Rajdhani Power Limited office in

Adhchini on 11.08.2004. It has been stated that, after repeated follow-up, he was handed over a Demand Note of Rs.4100/-, which he immediately paid in cash on the very same day i.e. 11.08.2004. It has been further stated by the complainant that several visits and numerous reminders thereafter yielded no result, causing great inconvenience due to interruption of the construction activity which was going on in the flat during that time. It has been stated that the meter was finally installed on 09.09.2004 i.e. 43 days after the receipt of the application made by the complainant to BSES Rajdhani Power Limited.

3. On account of the harassment suffered at the hands of the Utility, the complainant demanded severe action against BSES Rajdhani Power Limited.

4. The complainant cited reference to Sections 43(1) and 43(3) of the Electricity Act, 2003, while requesting that penalty to the tune of Rs.13,000/- i.e. @ Rs.1000/- for each day of default be imposed on BSES Rajdhani Power Limited.

5. The representation dated 24.09.2004 of the complainant, bearing the content above mentioned, was forwarded to BSES Rajdhani Power Limited under the cover of DERC Show Cause Notice numbered F.7(23)/DERC/C-325/2004-05/6155-6156 dated 05.11.2004. In the DERC communication referred to above, the BSES Rajdhani Power Limited were asked to show cause as to why penal action, as sought by the complainant, be not taken against them. The BSES Rajdhani Power Limited responded that the meter for the new connection has already been installed at the above said address sometime during the month of November, 2004. No submissions were made contesting the imposition of penalty or otherwise by the BSES Rajdhani Power Limited.

6. In response to the reply of BSES Rajdhani Power Limited, the complainant has stated that the reply of the respondent is vague, unrealistic and irresponsible, inasmuch as they have informed that the meter in question had been installed sometime during the month of November, 2004, while it was actually installed on 09.09.2004. Through, this response, the complainant averred that the BSES Rajdhani Power Limited attitude was clearly exposed, inasmuch as they did not care to read or refer to their own records even after receiving the Notice of the Commission.

7. The complainant has reiterated that a penalty of Rs.13,000/- @ Rs.1000/- for every day of default may be imposed on BSES Rajdhani Power Limited and a sum of Rs.25,000/- be paid as compensation for physical harassment, mental torture and overall inconvenience. The complainant through his reminder dated 15.07.2005 reiterated his request for imposition of penalty and award of compensation.

8. The Commission heard both the parties in person. However, BSES Rajdhani Power Limited were given another opportunity for detailing the sequence of events relating to installation of energisation and electricity connection applied by the complainant.

9. The BSES Rajdhani Power Limited in their response above mentioned have admitted the following facts :-

- (i) that the consumer had applied for a new connection on the 29th July, 2004;
- (ii) that the Licensee had raised the Demand note on the 11th August, 2004, which was paid by the consumer on the same day; and
- (iii) that the connection was energized on the 9th September, 2004.

Further, the BSES Rajdhani Power Limited have attributed the delay to the incorrect recording of address of the registered consumer in the BSES Rajdhani Power Limited system. The BSES Rajdhani Power Limited have also added that during the two visits by their employees, for installation of meter, the house was found locked.

The BSES Rajdhani Power Limited have enclosed a statement showing the date of receipt of some applications and the date of energisation alongwith the number of days taken in energizing the connections. The statement, supposedly, shows the details of a few connections which were given by the Licensee in the same area where the complainant had applied for the connection and the time taken for energizing these connections by the Licensee. From the details indicated in the statement, it is noted that 4-15 days time was taken by the Licensee for giving the electricity connections from the date of application to the date of energisation.

The Licensee, to conclude, has stated that timely action was taken for energisation of the connection and, therefore, penalty under Section 43(1) of the Electricity Act, 2003 is not attracted in their submissions above referred.

10. The Commission after considering the points raised by the complainant in his representations and oral submissions made before the Commission and response of BSES Rajdhani Power Limited concludes as under:-

- (i) There is no dispute about the following facts :-
 - that the consumer had applied for a new connection on the 29th July, 2004;
 - that the Licensee had raised the Demand note on the 11th August, 2004, which was paid by the consumer on the same day; and

- that the connection was energized on the 9th September, 2004.
- (ii) No evidence has been placed on record about the two visits of their employees to the address at which the connection was applied for. The mistake in entering the address incorrectly into the system from the application made by the complainant, is solely a glitch on the part of BSES Rajdhani Power Limited and no blame can be apportioned to the applicant on this count. The responsibility squarely lies with the Licensee for not taking down the address properly from the application into their system. The delay, as such, has to be to the detriment of the Licensee.
- (iii) The statement showing the date of receipt of some applications and the date of energisation alongwith the number of days taken in energizing the connections submitted by BSES Rajdhani Power Limited is an independent piece of evidence given by the Licensee and does hardly anything to enhance the defence of the Licensee in the matter under consideration or to diminish the element of dereliction insofar as delay in giving the electricity connection to Shri Ravi Dev Gupta is concerned.

11. Now, therefore, the Commission is of the considered view that the licensee has failed to abide by the schedule laid down under Section 43(1) and (3) of the Electricity Act for providing a new electricity connection to an applicant. In the opportunity offered to the Licensee to present its case, nothing material has been adduced as evidence on record, which dilutes the element of dereliction of the duties and responsibilities of the Licensee. The delay in terms of number of days, however, works out to 11 days, excluding the date of receipt of application by the Licensee and the day of energisation. Accordingly, this Commission is of the view that a penalty of Rs.500/- be imposed on BSES Rajdhani Power Limited in accordance with Regulation 38 of DERC (Performance Standard – Metering & Billing) Regulations, 2002. A penalty of Rs.500/- (Rupees Five Hundred only) is hereby imposed on BSES Rajdhani Power Limited, with the direction to deposit the amount with the Commission within seven working days from the date of receipt of this order.

12. The Commission is in the process of preparation of Standards of Performance under Section 57 of the Electricity Act, 2003. Pending finalization of the same, for the harassment and the inconvenience caused to the complainant the Commission awards a lump sum compensation of Rs.1000/- (Rupees One Thousand only) to the complainant. The amount of compensation shall be credited in the electricity bill that may be raised by BSES Rajdhani Power Limited against the complainant in the next billing cycle with reference to the date of this Order. A copy of the bill bearing the credit for compensation be submitted to the Commission as a token of compliance.

13. Ordered accordingly.

Sd/-
(K. Venugopal)
MEMBER

Sd/-
(R. Krishnamoorthy)
MEMBER