

C A No. Applied for
Complaint No. 180/2024

In the matter of:

Karan Bal

.....Complainant

VERSUS

BSES Yamuna Power Limited

.....Respondent

Quorum:

1. Mr. P. K. Singh (Chairman)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Sanjay Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Mr. Akshat Aggarwal & Ms. Chhavi Rani, On behalf of BYPL
3. Persons from Pankaj Tower Association

ORDER

Date of Hearing: 19th December, 2024

Date of Order: 23rd December, 2024

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief fact of the case giving rise to this grievance is that the complainant is owner of shop no. 1&2, Pankaj Tower, Mayur Vihar Phase-I, Opposite Anand Lok, Delhi-110091 and there are around 20 meters installed in front of his shop and the back wall of MTNL and the complainant wants direction from this Forum for shifting of the said meters to another suitable place.

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CGRF (BYPL)

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It is also submitted that the complainant earlier also approached this Forum for Redressal of the same grievance vide C.G. No. 129/2021, but Forum vide its order dated 25.01.2022 dismissed the complaint as the matter was sub-judice before the other court. The matter in the High Court was dismissed vide order dated 14.08.2023 with liberty to the complainant to approach the concerned authorities in accordance with law. Thereafter the complainant again approaches this Forum for Redressal of his grievance.

2. The respondent in reply briefly stated that by way of the present complaint, the complainant is re-agitating the issue of shifting of numerous meters from its current position at Pankaj Tower, Opposite Anand Lok Apartment, Mayur Vihar Phase-I, Delhi. The complainant is seeking shifting of meters which admittedly does not pertain to him nor are installed in his property.

Reply further stated that as the complainant is neither the registered consumer of any of the meters shifting whereof is sought nor are the said meters installed in his property. As such the complainant has no locus standi to file the present complaint.

Reply also raised objection on the Jurisdiction of the Forum to entertain the present complaint with respect to the sanctity of the complainant as consumer. OP also stated that the present complaint is not part of the grievance and the complainant is not the consumer as defined under the Electricity Act 2003.

OP also stated that this shifting of meters involved around 20-25 meters of all the occupants of Pankaj Towers, therefore Pankaj Towers Association is necessary to be part of this case to adjudicate the matter.

3. Pankaj Towers Association was summoned to be present before the Forum.

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4. The Pankaj Towers Association was present before the Forum and submitted by way of an Affidavit

"that the complainant Karan Bal has filed this complaint with malafide intention. The complainant has extended his shop unauthorisedly to swallow the space on which the meters are installed and the said unauthorized construction was demolished vide orders dated 30.12.2021.

That the electricity meters are installed in the setback area since the day electricity connection was allotted. No charges ever paid by the occupants for the shifting of meters. All cables buried from feeder pillar to the meter board indicate that the meters are installed in the open space."

5. Arguments of all the parties were heard.
6. From the narration of facts and material placed before us we find that the complainant Karan Bal has applied for shifting of meters. The said meters are of all the occupants of the Pankaj Towers. Pankaj Tower association was present before the Forum and stated that the meters since the first date of installation are installed at the said place and cannot be shifted to any other place. They further stated that the complainant wants to extend his shop and swallow the space on electricity meters are installed.
7. In view of the above, we are of considered opinion that the complaint of the complainant is not maintainable as this complaint is not regarding shifting of a single meter but shifting of complete meter box which since inception is at that place and other occupants of the Pankaj towers are not ready to shift those meters and also show us that the meters are at a distance from the shop of the complainant. Also, there is no other appropriate space where meters can be installed/shifted.

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The complainant was also asked to provide the space, but he failed to do so and suggested to shift the meters near stair case, but as per NBC 201 part IV, the staircase is the only route to escape for the occupants, therefore BSES cannot install the meters near the staircase.

Therefore, we are of considered opinion that the complaint of the complainant is not maintainable, thus same is rejected.

ORDER


Complaint is rejected. The respondent has rightly rejected the application of the complainant for shifting of meters.


The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H.S. SOHAL)
MEMBER


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN