

C A No. Applied For
Complaint No. 568/2024

In the matter of:

Ranjiv Khanna

.....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. Arhum Sayeed & Mr. Rahil Ahmed, Counsels for the complainant along with the complainant
2. Mr. Akash Swami, Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL
3. Ms. Megha Malhotra, counsel of respondent no. 2 along with respondent no. 2

ORDER

Date of Hearing: 01st May, 2025
Date of Order: 07th May, 2025

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

1. This complaint has been filed by Sh. Ranjiv Khanna, in compliance of orders of Hon'ble High Court of Delhi in L.P.A. 819/2024.

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The complainant further submitted that he is permanent resident of property bearing no. 1899, Main Road, Chandni Chowk, Delhi-110006, which is an old construction four storey building. It is also his case that the premise of the complainant is situated at first floor and access to the first floor is only through a 3 feet wide staircase. The complainant further submitted that shop no. 1900 (GF) Main Road, Chandni Chowk, Delhi-110006 is situated adjacent to the complainant's property. Electricity meter bearing no. 100217044 belonging to shop no. 1900 is installed in the middle of the staircase of the complainant's property. The said electricity meter of shop no. 1900 has caught fire on multiple occasions in the past. Therefore, the complainant requested for shifting of all the meters (including complainant's own meters) from the staircase to be installed outside the building upon his expenses as the electric meters have put the whole building at threat.

That owners/occupants of shop no. 1900 has filed a civil suit bearing CS-SCJ 595862/2016 against the complainant seeking permanent injunction for having access to the complainant's building for the purpose of inspecting the electricity meter and preventing the complainant from installing a shutter in his property.

2. The respondent in reply briefly stated that the complainant is seeking removal of electricity connection bearing CA no. 100217044 qua shop no. 1900 situated at ground floor, Main Road, Chandni Chowk, Delhi-11006, which is installed in the name of Ms. Rajinder Kaur. OP further added that owner of property no. 1900 is necessary party for proper adjudication of the instant complaint.
3. Mr. Jagjit Singh, legal heir of Ms. Rajinder Kaur was made party in the present matter.

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4. Mr. Jagjit Singh on behalf of Rajinder Kaur was present before the Forum, refuted the contentions of the complaint and denied allegations of meter tampering or unauthorized abstraction of electricity. It is also submitted that shop bearing address 1899, Main Road, Chandni Chowk, Delhi-110006 is situated at first floor as per the registration documents of the said property wherein shop bearing no. 1900 is a shop adjacent to the property of the petitioner having a separate municipal number and separate entrance and thus is a separate property altogether.
- Regarding the electric meter which was burnt owing to the reason of TERMINAL LOSE as confirmed by the lineman of BSES which was a pre-planned conspiracy emerging out of a deliberate afterthought of the petitioner.
5. The complainant submitted a short affidavit mentioning therein that there are total six electricity connections installed at the staircase of the subject premises. Only one meter pertains to property no. 1900 and rest of the meters pertain to shop no. 1899. It is also submitted that Shahjahanabad Redevelopment Corporation (SRDC) project all the network lines and cables pertaining to the answering respondent were made underground and the meters were then installed on the wooden planks outside the shops, but few shop owners of the said area including petitioner refused to allow to shift the distribution network from inside the premises.
6. Arguments of all the three parties were heard at length.
7. From the narration of the facts and material placed before us we find that both the parties i.e. the complainant and respondent no. 2 are already in litigation in Hon'ble Civil Court with respect to the stairs. The present complaint has been filed by the complainant seeking shifting of the meters installed inside the staircase.

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8. As far as legal position is confirmed according to Regulation 22 of DERC (Supply and Performance Standards) Regulations, 2017, which is narrated as under:

22. Space for installation of grid substation, transformers, service line, meter and other equipment:-

(1) The developer or the applicant applying for supply of electricity from the Licensee shall provide free of charge, the applicable space of requisite dimensions as notified in the Commission's Orders, at a convenient location, as may be mutually agreed between the consumer and the Licensee, for erection and installation of grid substations, transformers, switch gear, meter, equipment, etc.:

Provided that if there is no specific developer in an area and the augmentation of the existing distribution system requires the space for installation of grid substations, transformers, switch gears, etc. to meet out the load demand, the distribution licensee shall approach the Government of National Capital Territory of Delhi, within fifteen days of such requirement, for allotment of space, indicating the probable space available in such areas.

Delhi Fire Services has also issued advisories to BSES vide ref no. F6/DFS/MS/2019/5569 dated 13.09.2019 and ref no. F6/DFS/MS/Misc/2019/7690 dated 20.12.2019 to the DISCOMS for shifting and relocation of the existing electrical meters, meter boards/panels that may cause obstruction in the escape passage of a building.

The complainant has also placed on record circular of Director of Education, Govt. of NCT of Delhi, date 01.03.2011. The complainant has emphasized on point 6 of General Measures:- In addition to above all schools shall ensure compliance of the following safety measures as applicable. (g) as far as possible, the electrical board should not be installed in staircase and wherever already installed, it shall be rather got removed or enclosed in a metallic box.

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9. From the above said deliberations and regulations, we are of the considered view that both the parties are into litigation in Hon'ble Civil Court. The present complaint is related to shifting of the meters and the - subject matter is well within the jurisdiction of the Forum.
10. Therefore, in view of above we are of considered opinion that in wake of the recent fire incidents, OP should remove the meters from the escape route. In the present case, the subject staircase is the only source of moving to and fro in the building and same can be life threatening at any point of time. Thus, the meters installed inside the staircase should be re-located to the outer walls of the building. This is to be done to avoid any mishap in the future.

ORDER

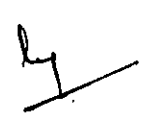
The complaint is allowed. OP is directed to shift all the six meters installed inside the staircase to the outer wall or any other suitable place.


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

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