



Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032

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SECY/CHN 015/08NKS

C A No. Applied for Complaint No. 369/2023

In the matter of:

Vinod SharmaComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mr. Vinod Shamra, Complainant
2. Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 05th December, 2023

Date of Order: 13th December, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Mr. Vinod Sharma, against BYPL-CCK.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Vinod Sharma is owner of property no. 507, Krishna Gali, Katra Neel, Chandni Chowk, Delhi and OP has inserted the electric wires of the electric connection installed at property no. 436, M/s Hari

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Kishan Fabrics, Kuch Brijnath, Chandni Chowk, Delhi-110006 without asking for complainant's consent. These electric wires have been inserted in the premises by breaking the wall of the property of the complainant and making big holes over there and causing damages to the property of the complainant.

3. The respondent in reply briefly stated that the complainant is seeking removal of service cable and meters installed at property of Ajay Aggarwal owner of M/s Hari Kishan Fabric, 436, Kucha Brijnath, Chandni Chowk, Delhi claiming that the same is passing illegally through his property bearing no. 507, Krishna Gali, Katra Neel, Chandni Chowk, Delhi. OP also added that site of the complainant was visited on 31.08.2022 and it was observed as under:-
 - a) There are five (5) connections which were installed prior to 2016.
 - b) The service lines of said five meters are passing through common passage which is a narrow street.
 - c) The details of said 5 meters are as under:-

S.No.	Meter No.	Energization Date
1	55406751	27.09.2016
2	11485192	15.04.1965
3	23296263	28.04.1977
4	70305054	23.06.2018
5	17072475	01.08.2013

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S. K. Sehgal *JK*

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Reply also stated that case was discussed with the complainant and it was found that there is a property dispute leading to the present complaint. The premises of the complainant were again inspected on 05.10.2023, and it was found that meters installed were old and earlier at the time of installation and laying of the service cable there was no objection raised and now it was not feasible on account of space available to re-route the passage of service cable.

OP added that they are service provider and can lay the service cables as per the availability of space. The area in issue is congested area wherein properties are constructed in such a manner that sometimes it becomes necessary to take the support of wall of properties of others for laying down the service cable. In the present case the route which is now objected to by the complainant is in use since erstwhile DESU period i.e. since 1965 but till 2022, there was no objection on the part of the complainant. As on date the complaint is legally on ground of limitation and estoppel is debarred to file the present case.

4. Complainant filed his rejoinder refuting therein the contentions of the respondent as averred in their reply and stated one Sh. Ajay Aggarwal with connivance of BSES-YPL has house trespassed to the property no. 507, Gali No. Krishna, Katra Neel, Chandni Chowk, Delhi-110006 without his consent. He also denied that the wires of 5 electricity meters, prior to the year 2016 are passing through the common passage falls within the property no. 507, as stated and one of the electricity meters is of the year 1965. It is submitted that even the passage in which the respondent is saying that the meters are passing, has been laid / meant in the year 2012 itself and there was no access towards Kucha Brijnath from the premises of the complainant before 2012.

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Secretary
CGRF (BYPL)

Complaint No. 320/2023

5. Arguments of both the parties were heard and LR of the OP was asked to file their written submission within one week against the rejoinder filed by the complainant.
6. Despite giving ample opportunity OP failed to submit their written submissions.
7. As far as legal position is concerned in the present case, as per DERC Regulations 2017, Sub- Regulation 24. Procedure for shifting electric line or electrical plant or the License:-
 - (1) The owner of the land or his successor in interest, who has given right of way for the construction of an existing electric line or electrical plant over, under, along, across, in or upon the said land, may apply for shifting the electric line or electrical plant to any other portion of his land for genuine purposes:
 - (2) The application for shifting the electric line or electrical plant shall be submitted to the Licensee.
 - (3) On receipt of the application, the Licensee shall inspect the site and assess the technical feasibility of the proposed shifting.
 - (4) The request for shifting an electric line or electrical plant shall be granted only if:-
 - (i) the proposed shifting is technically feasible, and
 - (ii) the owner of the land or his successor in interest gives consent in writing to shift the electric line or electrical plant to any other portion of his land or to any other land owned by him or any alternate right of way to be arranged by him for shifting the electric line and the electrical plant and
 - (iii) the owner of the land or his successor in interest shall take necessary permission/approval for road cutting or right of way, if required.

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CGRF (BYPL)

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(iv) the applicant remits the applicable charges required for shifting the electric line or electrical plant.

(5) The Licensee shall shift the electric line or electrical plant, if the conditions specified in sub-regulation (4) are complied with by the applicant.

(6) In case of shifting of meter or service line within the premises of the consumer, the procedure specified in the Regulation 25 shall apply.

8. The above stated Regulation clearly states that the service line or electrical line should be shifted upon the application of the complainant or his successor. Here the complainant is neither the user of the connections installed in Shop no. 436 nor is the owner of the said shop. The complainant is owner of neighboring Shop no. 507 and the service line to the meters installed in shop no. 436 is passing through shop no. 507.

It is also admitted fact that though the complainant cannot apply for shifting of service cable of the meters installed at shop no. 436 but he can apply for shifting of service cable passing through his shop no. 507 for the meters which are installed in shop no. 436.

OP was given sufficient time to file their comments or any Regulation/Law in this regard, but OP failed to submit any response.

OP has not given any evidence regarding the fact that complainant/owner has given any consent to pass the electric line from his shop which is required as per Regulation 24 (1) as stated above.

Since, we could not find any relevant Regulation/Law where complainant cannot apply for shifting of service cable (of the meters installed at other's premises) passing through his premise. Therefore, the benefit of doubt is given to the complainant and OP is directed to shift the service cable passing through the premises of the complainant.

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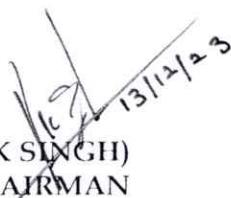
ORDER

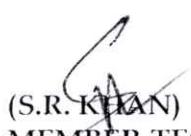
Complaint is allowed. Respondent is directed to shift the service cable passing through shop no. 507 for the meters installed in shop no. 436, at its own cost. The complainant should not be asked for the cost of shifting of service cable.

OP is also directed to file compliance report to this office within 21 days from the issue of this order

Accordingly, the case is disposed off.

No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.


13/12/23
(P K SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER