

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. 101342895
Complaint No. 72/2019

In the matter of:

Satya Devi (Pavninder Kumar Saini) Complainant(legal heir)

VERSUS

BSES Yamuna Power Limited Respondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)
3. Dr. Harshali Kaur, Member (CRM)

Appearance:

1. Mr. Pavninder Kumar Saini
2. Mr. Imran Siddiqi, Mr. Manoj Kumar & Mr. B.B. Sharma, On behalf of BYPL

ORDER

Date of Hearing: 03rd January, 2020

Date of Order: 09th January, 2020

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

The complainant lodged a complaint in CGRF regarding illegal disconnection without prior intimation. It was his submission that an electricity meter with CA No. 101342895 was installed at his premises no A-192, Gali No 3, North Ghonda, Delhi-110053, he visited the said premises on 01.10.19 and to his utter surprise the meter along with cable of the said connection was removed without informing him. It was also his case that he visited the office of the respondent on number of occasions for letting him know the reason for removal of meter and installation of meter but all went in vain.

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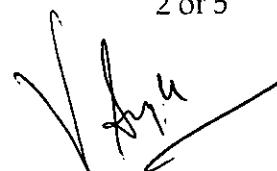
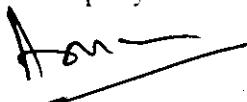
It was also added that the respondent company finally told him to lodge a FIR regarding theft of meter. He further stated that nothing was pending against the said connection and he did not make any request for removal of meter with cable. He requested the Forum to direct the respondent company for installation of electric meter along with cable at the earliest without any cost and also to know the reason for removal of meter and cable. He also asked for compensation for harassment and mental agony.

Notice was issued to both the parties to appear before the Forum on 13.12.19. The respondent has filed a reply on dated 13.12.19 as under:-

"The complainant alleged that no reply was received from the side of respondent, in this regard it was submitted that respondent served notice of no reading to the complainant on 08.08.2019 and reply of the respondent dated 01.11.19 establish their stand. It was also submitted that complaint of the complainant is not maintainable as the registered consumer of CA No. 101342895 is Smt. Satya Devi, who has already expired. It was also their submission that meter was neither found at site nor removed by the official of the respondent and the supply of the complainant was disconnected by removal of service cable only.

Respondent also quoted DERC Regulations 2017, explaining there that as per Regulation 29 of the DERC Supply Code 2017 it is the responsibility of the complainant to keep meter in safe custody.

And as per Regulation 33 of the DERC Supply code 2017, stating therein, that complaint regarding stolen meters shall be entertained by the Licensee only if they are accompanied by a copy of the First Information Report (FIR) or the acknowledgement of the complaint lodged by the consumer with police and in such cases, the Licensee shall also conduct an inquiry thereto.



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There are three main issues in the complaint:-

1. Meter was stolen or lost
2. Removal of service cable by the respondent
3. Compensation be given or not.

It is pertinent to mention here that during the course of hearing on 13.12.19, the respondent was directed to install the meter on the outer wall of the premises within a week's time and the complainant will be held responsible for safety of the meter. The complainant was also directed to install ELCB before installation of meter.

On the last date of hearing 03.01.2020, both the parties were present and the complainant stated that the meter has been installed. The complainant stated that he is not yet satisfied and wants compensation.

After going through all the facts and photographs of the case filed by the respondent along with their reply, it seems that the condition of the house is very shabby. The premises are lying vacant since long without any supervision and any lock, which has turned into a garbage bin. The complainant is the legal heir of the property and the said property is not used for "Rihayash" by the complainant. Neither the complainant applied for Name change after the demise of registered consumer (his mother) nor it is clear how many legal heirs are there of the property in question.

The complainant made a complaint on 03.10.19 to the respondent's divisional office and the respondent vide their letter dated 01.11.19 submitted as under:

"As per record of BSESYPL, meter was found inside the building and meter connected through nearby pole. As the meter was inaccessible for reading the notice dated 08.08.2019 sent to you regarding meter accessible for reading. The same has also been delivered as per record of post office. With respect to the notice served the cable had been removed and as per their report only cable removed from the site. No meter available at site at the time of removal of cable.

S. Jangid

Amrit *V. Jangid*
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With respect to your complaint the premise had been visited and following conditions found at site.

1. The building is in the dilapidated condition.
2. No kitchen setup found at site.
3. Entry door found in damaged condition.
4. No meter found at site.
5. Also, few illegal persons found inside the building."

As per Sub-Regulation 14 of Regulation 29 of the DERC Supply Code 2018, which is narrated as below:-

29. Supply and installation of meters and circuit breakers:-

(14) The consumer shall be responsible for safe custody of meter, if the same is installed within the premises of the consumer.

(15) The consumer shall promptly intimate the Licensee about any fault, accident or abnormality noticed with the meter.

As above the complainant failed to keep the meter safe in his custody.

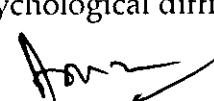
The Regulation 33 of the DERC Supply Code 2018 states as under:-

33. Stolen Meter:- Complaints regarding stolen meters shall be entertained by the Licensee only if they are accompanied by a copy of the First Information Report (FIR) or the acknowledgement of the complaint lodged by the consumer with police and in such cases, the Licensee shall also conduct an inquiry thereto.

The complainant failed to lodge the complaint/FIR with the police (even after suggesting by the respondent company) which is a serious lapse at his end and further is asking for compensation.

The definition of compensation is

1. something, typically money, awarded to someone in recognition of loss, suffering, or injury.
2. the process of concealing or offsetting a psychological difficulty by developing in another direction.



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After going through all the facts and conditions of the case, the Forum observed that the premise in question is an ancestral property, which is lying vacant since long and the complainant is not residing there. Neither the complainant applied for Name change after the demise of registered consumer (his mother) nor it is clear how many legal heirs are there of the property in question or whether the property disputed between the legal heirs. No information in this regard was given by the complainant and the complainant is still not asking for the name change.

The premise is an abandoned place, it is presumed that the meter was stolen and as per DERC Supply Code 2018, Regulation 33, stated above, the complainant has to file police complaint or FIR, which he failed to do so.

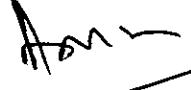
The main grievance of the complainant was to install a meter and same has been done by the respondent after the orders of the Forum dated 13.12.19 in which Forum directed the respondent to install the meter on the outer wall of the house, now it is complainant's duty to maintain the meter's safety. The complainant is not entitled for any compensation due to above mentioned facts and conditions.

Hence the complaint is disposed off.

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



(HARSHALI KAUR)
MEMBER (CRM)



(ARUN SINGH)
CHAIRMAN



(VINAY SINGH)
MEMBER (LEGAL)