

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

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Appeal No. 20/2024

(Against the CGRF-BYPL's Order dated 17.05.2024 in CG No. 124/2024)

IN THE MATTER OF

Shri Surjeet Singh & Others

Vs.

BSES Yamuna Power Limited

Present:

Appellant: Shri Surjeet Singh along with Ms. Kanak Chaudhary &
Shri Vinod Kumar, Advocates

Respondent: Shri Sanjay Sharma, DGM, Ms. Chhavi Rani, Legal
Retainer and Ms. Ritu Gupta, Advocate, on behalf of BYPL

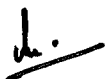
Date of Hearing: 03.10.2024

Date of Order: 04.10.2024

ORDER

1. Appeal No. 20/2024 dated 29.07.2024 has been filed by Shri Surjeet Singh & Others, R/o 110-B, Vijay Saroda Main Bazar Chilla Road, Village Patparganj, Mayur Vihar, Phase – 1, Delhi – 110091, through Advocate Ms. Kanak Chaudhary, against the Consumer Grievance Redressal Forum – Yamuna Power Limited (CGRF-BYPL)'s order dated 17.05.2024 in Complaint No. 124/2024.

2. The background of the case is that the Appellants approached the CGRF-BYPL with the complaint that they had applied for the release of three new connections in the name of Shri Surjeet Singh (the Appellant), his son Shri Karan Singh and Ms. Rinki (daughter-in-law) for the ground floor, first floor and second floor respectively of the above-cited premises, which was rejected by the Discom on the ground that the "applied premises is in MCD objection list, NOC or BCC required besides the removal of the existing meter". However, one temporary



electricity connection bearing CA No. 351263926 stood already installed at the premises. The Discom before the CGRF submitted that all the applications for new connections had been approved and Device Installation Orders (DIO) were already generated, but the complainants did not allow the Discom to install the meters outside the premises and rather insisted on the installation of meters under the staircase. As per Delhi Fire Services' safety norms and the Gazette of India, DDA Notification dated 24.02.2021 regarding "Modification of Unified Building Bye-Laws (UBBL), for Delhi, 2016", electrical installation under staircase is not allowed and the complainant refused installation of meters outside the premises, therefore, the orders for device installations were cancelled.

3. The Appellants further filed a rejoinder in which they admitted the issuance of DIOs and stated that the installing of the meters at the location proposed by the Discom was turned down due to the limited space. The space proposed has waste water pipe and this would also be used for drinking water supply line as well as IGL pipeline also. He further contested that recently few meters have been installed under the staircase by the Discom. Besides this, the Appellant also proposed another suitable safe location for installation of the meters, i.e., on the electricity pole fitted outside his premises, which was declined by the Respondent.

4. The CGRF-BYPL in its order dated 17.05.2024 considered the applicable rules & regulations and safety measures as mentioned below:

- (i) Delhi Development Authority's Notification dated 24.02.2021 on modification in the Unified Building Bye-Laws (UBBL) for Delhi, 2016, prohibiting electrical installations under or near staircase.
- (ii) Chapter 2 of Regulation 5 of DERC's Supply Code, 2017 – Safety of Electrical Installations.
- (iii) Directorate of Delhi Fire Service's letter dated 13.10.21- regarding shifting of electric meter boards/panels and energy supply points/associated equipment away from the means of escapes.

In view of the above, the Forum opined that the meters should not be installed near the staircase. With regard to the complainants' contention that the Discom has installed meters of his neighbours under the stair case, CGRF opined that it was a matter of inquiry. The Forum directed the CEO-BYPL to initiate an inquiry to ascertain whether the connections, as alleged by the complainants, were installed after the release of the Gazette Notification dated 24.02.2021 or prior to that. The Forum, however, rejected the Appellant's complaint and directed the



Discom to install the meters at an appropriate place, keeping in view the safety parameters.

5. Not satisfied with the Forum's order dated 17.05.2024, the Appellant has preferred this appeal dated 29.07.2024 which was admitted. The main prayer raised is "for the installation of the three meters either inside the premises under the staircase or outside on the electricity pole."

6. The Respondent, in its written submission dated 22.08.2024 reiterated the submissions as before the Forum. In addition, the Discom has submitted that they are duty bound to abide by the directions of the concerned authorities, and in view of the safety concerns, installation of meters could not take place unless the same is allowed to be installed outside the subject premises. The Appellant has insisted on the installation of all three connections on the pole near his house, like the temporary meter, which still exists there. In this regard, the Discom has submitted that the request is not viable due to lack of space because the subject pole (No. MVRPB760) is a heavily loaded, through which 34 connections are released. Furthermore, the subject area is a highly congested and, in case regular meters are installed on the pole, it will act as a precedent for other consumers, who may also insist for their meter being installed on the pole.

Alternately, the Appellants were advised to get the meters installed on the board. A frame can be installed at 90 degrees on the wall next to the staircase of the subject property. If the frame is installed by the appellant then on that frame all three meters can be installed. This option was not also acceptable to the Appellants, and they insist that the meters be installed on the pole.

The Discom has also submitted that another available option for installation of meters at the space available next to the name board of the shop 'SWAG'. Though the said space is above the normal height but in order to find a solution, they asked the Appellant to provide step/s so that the meter would be accessible to the Meter Reader. The said option was also not acceptable to the Appellant. Moreover, it is the duty of the Appellant to leave sufficient space for installation of meters at the time of construction. Regarding the Appellant's claim that the meters in their neighbourhood are installed under the staircase, the Discom has submitted that three connections are installed outside the premises and one connection is installed inside the premises near the staircase, which was energized on 21.06.2008. In support of their contention, the Discom has also submitted photographs of the Appellants' as well as nearby premises.



In a rejoinder dated 19.09.2024, the Appellant has referred to installation of many meters below stair case in the area and, rejected the installation of meter above the shop 'SWAG' due to the height and difficulty in meter reading.

7. The hearing was fixed on 03.10.2024. During the hearing, both the parties were present along with their authorized Representatives/Advocates. An opportunity was given to both the parties to plead their respective cases at length.

8. During the hearing, the Appellant reiterated his two options as submitted in his appeal for installing the requisite meters, either on the proposed space under/near the staircase or on the outside pole. He asserted that there are other meters also installed below the staircase in the recent past. The Appellant submitted that his premises is constructed on the plot of 25 square yards and there is scarcity of the space for installation of three meters. In this regard, the Advisor (Engineering) pointed out to the Appellant that as per Regulation 29 (3) of DERC's Supply Code, 2017, it is the responsibility of the 'Consumer' to provide suitable and adequate space for installation of the meter. It was further informed to the Appellant that as per Amendment to the UBBL, 2016 by the DDA vide a notification during 2021, installation of meters under/near the staircase was not permissible. Further, the insistence for installation of the meters on the pole was not feasible and acceptable in the absence of any enabling provision in the Regulations and in view of safety norms. Accordingly, to resolve the issue, two suggestions were made to the Appellant, (i) for modification of the gate by changes the hinges, so that the door opens on the other side and it does not cause any susceptible danger to the installation of meters and (ii) installation of the meters next to the shop's board 'SWAG' at the appropriate space with provision for small step constructed for reading of the meter by the meter reader. As regards, numerous meters installed near the staircase and poles in the area, it was explained that it is a matter of enquiry as already mentioned in CGRF-BYPL in its order dated 17.05.2024. The Appellant, therefore, agreed on the second option.

9. Having taken all factors, written submissions and arguments into consideration, the following aspects emerge:

- a. The matter involves compliance with the Delhi Development Authority (DDA) modification of UBBL-2016 Notification dated 24.02.2021 as well as letter dated 16.06.2023 from Delhi Fire Service addressed to various Discoms.



- b. No comments are offered on the delay and harassment to the Appellant and his repeated visits over six months to Discom's Office for release of the applied connections.
- c. Appellant has in his rejoinder dated 30.04.2024 before the CGRF submitted photographs of meters below staircase.
- d. Discom admits to release of 34 connections from the Pole, whereas pole should not have more than 4-5 connections. At the same time, Regulation 29(3) of DERC's Supply Code, 2017 casts a duty upon the consumer to provide a safe space for meters.
- e. Whether the DDA amendment notification and Delhi Fire Service guidelines are being scrupulously followed, through quarterly review is a matter for consideration. A duty is cast on the Discom vide letter dated 16.06.2023 from Directorate of Delhi Fire Service to take action to shift energy supply points and equipments to safer distance from the means of escape.
- f. The amendment made in UBBL – 2016 is reproduced as under:

S.N.	Existing Provisions in UBBL, 2016	Proposed Amendment
11		8.5.2 – Electrical Services (d) All types of electrical installations such as Meter Box, Circuit Breaker, Main Switch, Switchgear, Electric Vehicle Charging Port, Associated Equipments, which act as energy supply points and can trigger fire hazard are not allowed under or near the staircase. If installed in stilt area, these should be encased with fire retardant material.

10. In the light of the above, this court directs as under:

- (i) The meters be installed next to the SWAG Board. The Appellant is directed to submit an Undertaking for getting the small steps constructed within a week's time, for facilitating meter reading.
- (ii) Till then, the Respondent will take steps to install the meters at the agreed location. Once, the meters are installed by the Respondent




at the agreed place (next to the 'SWAG' Board), the temporary meter be removed from the site.

- (iii) CEO may take steps for expeditious completion of the enquiry, as contemplated by the CGRF. CEO may also have the matter at Point (e) above, looked at by the appropriate officer/s for necessary action.

11. This order of settlement of grievance in the appeal shall be complied within 15 days of the receipt of the certified copy or from the date it is uploaded on the website of this Court, whichever is earlier.

The parties are hereby informed and cautioned that the Order of Settlement of Grievance raised in the appeal is, as per Regulation 65 of DERC's Notification dated 24.06.2024, final and binding on the parties.

The case is disposed off accordingly.


(P.K. Bhardwaj)
Electricity Ombudsman
04.10.2024