

**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. 54/2024**

(Against the CGRF-BRPL's order dated 22.10.2024 in CG No. 51/2024)

**IN THE MATTER OF**

**Smt. Jyoti Gupta**

**Vs.**

**BSES Rajdhani Power Limited**

**Present:**

**Appellant:** Shri Rikki Gupta, Spouse of the Appellant, along with Ms. Ananya Singh, Authorized Representative.

**Respondent No. 1:** Shri Lalit Mukhriya, General Manager, Shri Rakesh Gupta, Sr. DGM, Shri S. Bhattacharjee, Sr. Manager, and Shri Shreyek Gupta, Advocate, on behalf of BRPL

**Respondent No. 2:** Shri R.D. Gupta, in person.

**Date of Hearing:** 19.03.2025

**Date of Order:** 20.03.2025

**ORDER**

1. Appeal No. 54/2024 dated 25.11.2024 has been filed by Smt. Jyoti Gupta, R/o B-52/A, Gangotri Enclave, Alaknanda, New Delhi – 110019, through Authorized Representative, Ms. Ananya Singh, against the Consumer Grievance Redressal Forum – Rajdhani Power Limited (CGRF-BRPL)'s order dated 22.10.2024 passed in CG No.51/2024.

2. The background of the case is that the Appellant, Smt. Jyoti Gupta, along with her husband Shri Rikki Gupta, are co-owner of Flat No. B-52/A, Ground Floor, Gangotri Enclave, Alaknanda, New Delhi -110019. She is a registered consumer of electricity connection bearing CA No. 101720139, and had requested the Discom for shifting of/re-orientation of eight (8) electricity meters installed on the inside wall near the entrance of her flat. The grounds for shifting of meters were (a) over a period of time and presently



these are installed in scattered and haphazard manner and (b) the accumulation of water during the rainy season. Therefore, there are chances of electrocution of any person entering her flat. Consequently, the Appellant sought shifting of these meters to the backside of the same wall and expressed her willingness to bear cost of the relocation. The Appellant cited several Supreme Court's judgements in support of her claim that the Forum does not need to obtain consent from private parties for relocation of the electricity meters.

3. The Discom expressed its willingness to shift the orientation of 8 meters, subject to removal of objection raised by one Shri R.D.Gupta (Respondent No.-2), a resident of B-51/C and the registered consumer of the connection, in question. Due to the Discom's inaction, the Appellant approached the High Court of Delhi and filed a Writ Petition bearing No. WP(C)12867/2023- Jyoti Gupta vs BSES Rajdhani Powers Ltd. Before the High Court, the Discom was categorical in its submission that the meters were installed at the designated space provided by the DDA for the said building.

4. In the light of the observations by the High Court of Delhi vide its order dated 03.11.2023, the Discom shifted/relocated seven (7) meters, for which the Appellant possessed the 'NOC'. However, one meter belonging to Shri R. D. Gupta (Respondent No. - 2), was not shifted, due to his objection. He refused to give his consent, for the reason that the Appellant was attempting to encroach upon a common area where the meters were installed on the designated place selected by the DDA. Further, he accepted that the meters were installed directly in front of her house entrance, yet water had never accumulated in that area and never affected the supply. Furthermore, the Appellant had also removed the wooden shutters of the meters. When asked, is there any regulations for shifting of meters, the Discom submitted that there were no such provision?

5. Shri R.D.Gupta, (Respondent No. -2), has also submitted affidavits stating that the rear side door is the common utility space for common usages-cum-service area for meter reading etc. The main entrance of the Appellant's house (B-52/A) is from front side, if the court order the relocation of his meter, the common area/space of 5.06 m would be merged by the Appellant in her property/area and intention of the Appellant is to encroach upon this area. The area of eight electricity meters in the staircase of every block was constructed by the DDA, as per approved design. Therefore, he has not consented for the relocation of his electricity meter.

6. Shri R.D. Gupta (Respondent No. -2) further submitted that a collapsible steel gate exists which is required to remain open for 24 x 365 days to facilitate access to electricity meters by the Meter Reader of the Discom. However, this gate has been locked since 10.02.2024, and is now covered with a thick sheet from inside. The intention of the Appellant is to encroach valuable government land. This area pertains to electricity meters space and passage/access for the same is from the courtyard.



7. The High Court of Delhi vide its order dated 09.07.2024 directed that the petitioner is at liberty to take up the issue with the competent authority, which shall decide in accordance with law. Subsequently, the Appellant filed a complaint before the CGRF-BRPL on 25.07.2024 requesting to direct the Discom (Respondent No. – 1) to relocate the electricity meter bearing No. 26795845, which belongs to Shri R.D.Gupta (Respondent No.- 2) from present location to the newly installed electricity panel at the backside of the wall.

8. The submission by the Discom before the Forum was that the meter was installed in compliance with the applicable guidelines and in a safe manner. They expressed their inability to proceed without a 'NOC' from Shri R.D. Gupta (Respondent No.-2), as he is the registered consumer of the connection in question. The Discom further submitted that the Appellant had earlier approached the High Court of Delhi, which observed that there seems to be "..... controversy with respect to shifting of the meter as to whether the same is legally permissible under the facts and circumstances of the instant case". Subsequently, on the request of the complainant, the High Court of Delhi directed her to take up the issue with the competent authority, which would make a decision in accordance with law. Therefore, this controversy could only be settled in the Civil Court, as it does not pertain to the services provided. Moreover, the electricity meter has been installed at the designated place provided by the DDA, as per the prevailing rules and norms which existed at that time. The Discom also denied the allegations levied by the Appellant, viz, sanctioning of higher load led to installation of meters in a dangerous and haphazard manner, no concern to the safety of life and property of the occupant of the flats, was taken into consideration, etc. The meter has also not been installed in a dangerous and haphazard manner. No complaints regarding this issue were submitted to the Discom by any of the residents of the building, except one letter from the Appellant in August, 2023.

9. However, Respondent No. – 2, reiterated his stand as before the Delhi High Court and submitted an additional letter dated 13.09.2024 from the Municipal Corporation of Delhi, which states that the owner of the Flat No. B-52/A (Appellant) has been booked for unauthorized construction by them. Furthermore, the Discom issued a notice to the Appellant on 27.09.2024 under Section 163(3) of the Electricity Act, 2003, however, the Appellant contended that she has not received any notice through lawful mode of service till date.

10. The CGRF, in its order dated 22.10.2024 observed that no incident had happened in the past. The stand of the Discom was that there is no such threat. The citations referred by the complainant (Appellant before this court) were applicable only in case of installation of meters found in hazardous condition. In the instant case the Discom (Respondent No. -1) did not find the installation as hazardous and there is no threat issue due to installed meter which the Appellant wanted to be shifted. Consequently, the Forum



directed that shifting/relocation of Meter No. 26795845, is not required and the petitioner is advised to remove the lock from the current gate.

11. The Appellant, dissatisfied by the order dated 22.10.2024, passed by CGRF-BYPL, has filed this appeal and reiterated the submissions as submitted before the CGRF with requests for (a) set-aside the CGRF-BRPL's order dated 22.10.2024 and (b) to direct the Discom to shift/relocation the electricity meter of Respondent No-2 (Shri R.D.Gupta) to the enclosure, where seven other meters have already been shifted for safety purposes. In addition, the Appellant asserted that any suspected encroachment shall be subject matter of MCD only.

12. The Discom (Respondent No. -1), in its written response to the appeal dated 26.12.2024, reiterated the facts placed before the CGRF-BRPL. In addition, the Discom submitted that there is only one disputed meter still existing at the original location and denied the safety issues as alleged by the Appellant. The Appellant did not provide any documentation to substantiate claims of a life-threatening situation due to existence of the electricity meter. Also, the photograph submitted with the appeal does not bear any time, date and/or location's stamp, and, therefore, cannot be relied upon. Furthermore, the meters which were admittedly located at the back side of the premises, were misrepresented as being at the main front entrance. Also for the first time assertion alleging improper installation of the meters had been made. Moreover, the Appellant was attempting to mislead the Ombudsman and has deliberately not attached the Delhi High Court's orders. The High Court of Delhi did not issue any such direction or considered the safety issue. If encroachment was a significant issue or if the matter fell beyond the jurisdiction of the CGRF then the Appellant should have approached the civil courts. The Discom reiterated that there are no safety concerns in the concerned matter, and, therefore, no shifting of the meter is necessitated. In case, the Appellant desired for the same, an 'NOC' from the registered consumer, Shri R.D. Gupta, (Respondent No. -2) would be required.

13. The Respondent No. - 2, vide his reply dated 15.02.2025, reaffirmed his stand as before the High Court of Delhi as well as CGRF-BRPL. In addition, he stated that the subject electricity meter was installed by the Discom (formerly known as DESU) in the second half of the year 1987. Over the span of 37 years, there have been no incidents of current leakage, flooding of the electric meter panel due to rainwater, or any injuries occurring at the meter location. Further, the Appellant purchased Flat No. B-52/A on the ground floor on 20.06.2023, and has been under going extensive renovations, which include reconstruction except for the brick wall and RCC roof slab, since November/December, 2023. The Appellant filed the current appeal on 06.12.2024, mentioning the condition as shown in the photographs which are completely false, untrue and misleading. The actual condition of electricity meter's panel has also been mentioned. Furthermore, despite the Forum's order vide Para 13.B to remove the lock from the



existing gate, for the access of the electric meter owner, the Discom's technician, and the Meter Reader, the Appellant has kept the gate locked since 10.02.2024 to till now. Shri R.D.Gupta (R. No. -2) also relied upon the three affidavits dated 19.02.2024, 30.03.2024 and 06.07.2024 submitted before the High Court of Delhi and requested for kind perusal and judicious, fair consideration of the facts, merit and justice, as per the law.

14 The appeal was admitted and fixed for hearing on 19.03.2025. During the hearing, the Appellant was represented by Shri Rikki Gupta and Ms. Ananya Singh, spouse and authorized representative, of the Appellant, respectively. Shri R.D. Gupta, Respondent No. -2, was present, in person, and the Respondent No. -1, was presented by their authorized representatives/advocate. An opportunity was given to all to plead their respective cases at length and relevant questions were asked by the Ombudsman and the Advisors present.

15. During the course of hearing, the Appellant reiterated her contentions as submitted before the CGRF. At the outset the Appellant submitted that her connection at the premises was installed many years ago with 1 KW at the designated place provided by the Delhi Development Authority (DDA). Due to safety concerns, seven meters were got shifted/relocated to the new identified safer place, but one meter belonging to Shri R. D. Gupta (Respondent No.- 2) could not be shifted despite the safety issue as reflected in the photographs submitted, wherein bus-bar existing for one meter of Respondent No. -2, Shri R.D. Gupta, is at a very low height of 9" from ground level and during water lodging in rain can lead any kind of incident. In response to a query by the Ombudsman, as to what extent, shifting of the newly installed panel with the seven meters, to the original place of the meters along with the meter of Shri R. D. Gupta would address the safety concern, the same could not be convincingly explained by the Appellant. The Appellant submitted that during August - September 2023, the safety issue was taken up with the BSES without any action and since then the issue had been raised before other forums as well. The Appellant asserted that there were shifting of meters in other blocks in the locality and also relied upon the problem of water logging during rainy season to highlight the safety issue. The Appellant mentioned that there was one incident of meter burning in C-52 and referred to decisions by Courts to establish that the Discom can act on safety concerns without requiring consent from the affected parties. The relevant court judgements submitted were taken on record.

16. In rebuttal, the Discom reiterated that the safety was never a concern, as claimed. The Hon'ble High Court of Delhi in its orders during November, 2024, did not make any observation in this regard and no complaint with respect to safety concern in the past had been received from the concerned area. The shifting was to be considered by the Discom in the light of the order of the High Court of Delhi, which stated, if there was no impediment pointed out and taking into account the NOC from the seven other nearby residents, the Discom may consider shifting of meters. On the one hand the Appellant



initially asserted that the eight meters were at the backside of her entrance but thereafter claimed them to be in front of the house. Thus, the Appellant changed her stand frequently in a haphazard and an erratic manner. Advocate also relied upon the law settled by the courts to state that the licensee was the best person to decide. Reliance on a Supreme Court's judgement dated 30.04.2024, titled as Pritha Nandy vs. CESE & Others was also taken by the Respondent No.1 in this regard. However, in response to a query about the justification for the shifting of the seven other meters from its designated place without obtaining permission from the DDA to other place even without any safety issue, no convincing response could be provided apart from the fact that the discretion vested in the licensee in the light of the NOCs received had been used.

17. Shri R. D. Gutpa (Respondent No.-2) reiterated his stand as in his written submission/rejoinder. He submitted that the place was neat and clean after shifting of the seven meters and only one meter existed without protruding wires, as visible in the refereed photographs, which could be inspected. At no stage, led the water logging resulted in any outage of electricity. Further, attention was invited to the base-book of DDA, drawings and photographs of the complex to emphasize that places had been designated for the meters by the DDA taking into account architectural planning as well as electrical and civil engineering planning. Thus, the placement of meters was based on technical, aesthetic and functional basis. While submitting photographs in respect of encroachment and action taken by the MCD for removal of the encroachment made by the Appellant, it was asserted that the conduct of Appellant as a law abiding citizen, is a questionable. He also submitted photographs mentioning locked and closed grill door and opening of a door from the kitchen side after deviation from the sanctioned plan with a plan for future encroachment. Relevant photographs were also submitted for perusal and record. The Appellant, however, admitted the fact but could not satisfactorily explain the reasons for ignoring the Advisory by the CGRF for opening the lock to the grill door and providing free access to the residents as well as the meter reader, being a common area. Despite serving of a notice under Section 163 of the Electricity Act, 2003 to the Appellant in this regard, the situation remained the same. The Appellant asserted in this regard that it was only an advisory by the CGRF. Advisor (Law) asserted that every order of CGRF is intended to be binding unless challenged before the higher forum, and, therefore, the advisory could not be ignored. The Appellant also mentioned he had given an undertaking before the High Court against any intended encroachment.

Advisor (Engineering) invited attention to the applicability of Regulation 25 of the DERC's Supply Code, 2017, in the instant matter and in a query to the Appellant about height of bus-bar chamber, in panel board provided by her, it was informed that it was a height of 4 feet from the ground.



In response to a query to Respondent No. -1, about the number of service cables feeding to said block of 8 flats, the officers present could not reply instantly and requested to appraise court after field visit. Subsequently, after field visit Discom appraised telephonically that only single cable is feeding to said block of eight flats through bus-bar arrangement of installed metric panel board, from where a small piece of cable was feeding Respondent No. -2 for single meter to be energized.

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

- a) The grievance relates to non-shifting of one of the eight meters to backside wall. Based on the response from Discom, the CGRF held that there was no safety issue and hazardous condition for existing meter and bus-bar.
- b) Discom has mentioned that there were no complaints on threat to life due to existing meter and no safety issue necessitating shifting.
- c) Shri R.D. Gupta (Respondent No.-2) has mentioned that the ploy of the Appellant is to usurp government land (5.06 sqm) (54.5 sq. ft.) electricity meter space and passage access to central open court yard, by merger of the area in the flat by encroachment.
- d) Appellant had got constructed electric panel at own expenses to install eight (8) meters in safe and protected environment.
- e) The past conduct of the Appellant in carrying out deviation to her premises in violation of sanctioned building plan by creation of an opening (door) in the kitchen adjacent to the meter panel, recourse to encroachment, and the MCD booking dated 13.09.2024 are matters on record.
- f) It is settled policy that for DDA Flats, metering position are decided and approved by the DDA and on submission of approved layout plan from DDA, electrification was carried out and same practice is still going on.
- g) The subject building comprises of 8 Nos. of flats. Out of which 2 flats are on the ground floor (with double entry) from front side and back side and first to third floors having single entry from back side stair case, which is set pattern of DDA Flats.
- h) Bus-bar feeding Respondent No.-2, is at a very low height than standard norm of 0.9m – 1.1m for low voltage level, which is a matter of concern.




- i) Regulation 25(1) of the DERC's Supply Code, 2017, contemplates shifting of meter on an application by a consumer to the Licensee, within the existing premises. None of the seven consumers apart from the Appellant, made any request in writing to the Licensee. No consultation with the DDA also took place, who had formulated the layout plan. No cogent reasons for the shifting of the seven (7) meters are therefore borne from the record.

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

- (i) This court upholds the CGRF's order with minor modification as under:  
"Bus-bar existing for Shri R.D. Gupta (Respondent No. – 2, be removed and direct supply should be given from common bus bar from where seven other electric connections are energized."
- (ii) No threat to life due to the existing meter of Respondent No. – 2 and no safety issue could be proved during the hearing. Since the meter is placed at its designated space provided by the DDA, as per prevailing norms, the safety aspect may be got examined by the Discom afresh, by a site inspection and corrective action be taken, as required under the law.
- (iii) The Appellant is directed to remove the lock at the iron grill door forth with and to keep the door for the common area open at all times for free access to the residents as well as the Discom's officials and staff.
- (iv) Action taken report be submitted within two weeks on receipt of the order.

20. 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 informed that this order is final and binding, as per Regulation 65 of DERC's Notification dated 24.06.2024.

The case is disposed off accordingly.

  
(P.K. Bhardwaj)  
Electricity Ombudsman  
20.03.2025