

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 01/08NKS

C A No. 152654153, 152654152
Complaint No. 67/2019

In the matter of:

Kamlesh Sharma

.....Complainant

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. Jaikishan Sharma, A.R. of the complainant
2. Mr. Imran Siddiqi & Mr. Achal Rathi, On behalf of BYPL

ORDER

Date of Hearing: 02nd December, 2019

Date of Order: 06th December, 2019

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

The complainant lodged a complaint in CGRF regarding installation of meters on electric pole. The complainant submitted that she is residing at Khasra No. 266, House no. C-3, Chandrashekhar Azad Gali, Maujpur. It was also her submission that she applied for one domestic and one non-domestic connection at the said premises in her name and the respondent company issued her demand note on 11.10.2018 amounting to Rs. 4140/- for domestic connection and Rs. 12540/- for non-domestic connection, which she duly paid but the respondent company was not able to install the meters as the family of his husband restrain to install the meters. It was also her submission that she

Harshali

Imran

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Vinay

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wrote to respondent to install the meter on pole but the respondent failed to take any action. She also stated that she is citizen of India and electricity being an essential item, she should be provided with the new electricity meters. She requested the Forum to direct the respondent company for installation of meters on electricity pole.

Notice was issued to both the parties to appear before the Forum on 15.11.19. The respondent has filed a reply on dated 15.11.19 as under:-

The complainant vide application dated 20.08.2018 bearing request no. 8003482551 and 8003482556 applied for new electricity connections at F/F and S/F of the premises no. Kh. No. 266, H.No. C-3, Chander Shekhar Azad Gali, Village Maujpur, near Babu Ram Sharma Chowk, Delhi. The application of the complainant was duly processed and demand notes dated 10.10.2018 were generated in favour of complainant. Respondent further stated that to install new electricity meters their official visited the suit premises thrice, first on 12.10.2018, then on 24.12.2018 and recently on 23.10.2019, but each and every time the brother of the complainant created hindrance and did not allow the BYPL official to install the meter, on the ground that the said property is disputed and court proceedings are pending. On 24.10.2019, Sh. Narender Sharma wrote a letter to BYPL mentioning that he shall not let the meters get installed as there is a court case going on among the complainant and other parties.

It is pertinent to mention here that during hearing on 02.12.2019, the respondent company stated that the connections have been granted, meters installed at pole and meter installation report duly signed by the complainant.

Harshad...

For

[Signature]

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The issue in the present case is to install connections which respondent was unable to install due to intervention of family of complainant's husband, despite of the fact that she paid the demand note.

During the course of hearing it came to the knowledge of the Forum that the relatives of complainant's husband are not allowing to install the meter and the complainant made the payment of demand note. The Forum directed the respondent to install the meter on pole and the respondent as per Regulation 11 of the DERC Regulations 2018, installed the meter on pole as per the wish of the complainant.

The complainant also got ELCB and MCB installed to the meters.

As per the judgment of Justice Soumen Sen in the matter of Soma Acharjee Vs CESC Limited & Ors.:- the petitioner no 4 & 5 are the co-owners of the property. The Grievance of the petitioner is that although Petitioner is entitled in law to get separate meter and an application has been filed before CESC Authority has failed to give electricity connection.

The learned counsel appearing on behalf of the CESC Limited submitted that due to the objection raised by the inmates, the CESC authority was not able to give connection to the petitioner. It is submitted that the other co-owners have raised objection with respect of installation of electric meter.

Since the petitioner is one of the co-owner of the property, his right to get electric connection cannot be denied by the licensing authority.

It is also clear through the judgment of Himachal Pradesh High Court, in the matter of Madan Lal Vs State of Himachal Pradesh & Ors. Where it was stated that the right to water and electricity supply is an integral part of right to life under Article 21 of the Constitution of India.

Shanbagal

Amr

[Signature]

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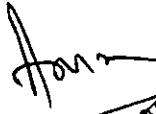
Since the connections are released and installed on pole as mentioned in the prayer of the complaint. The grievance of the complainant has been redressed.

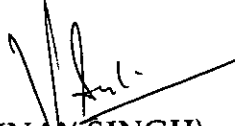
Case is disposed off as above.

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

The respondent is directed to provide compliance report within 30 days of this order.


(HARSHALI KAUR)
MEMBER (CRM)
6.12.19


06.12.2019
(ARUN P SINGH)
CHAIRMAN


(VINAY SINGH)
MEMBER (LEGAL)