

**OFFICE OF THE ELECTRICITY OMBUDSMAN**

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

**B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057**

(Phone-cum-Fax No.: 011-41009285)

**Appeal No. 09/2020**

(Against the CGRF-BYPL's order dated 09.01.2020 in Complaint No. 72/2019)

**IN THE MATTER OF**

**Shri Pavninder Kumar Saini**

**Vs.**

**BSES Yamuna Power Limited**

**Present:**

Appellant: Shri Pavninder Kumar Saini

Respondent: Shri Imran Siddiqi, Manager (Legal) & Shri K Jagatheesh,  
Senior Manager, on behalf of BYPL

Date of Hearing: 14.08.2020

Date of Order: 20.08.2020

**ORDER**

1. The Appeal No. 9/2020 has been filed by the Appellant Shri Pavninder Kumar Saini, against the order of the Forum (CGRF-BYPL) dated 09.01.2020 passed in Complaint No. 72/2019. The issue concerned in the Appellant's grievance is regarding awarding of compensation on account of illegal removal of the meter of his electricity connection bearing CA No. 101342895 and the service cable installed at H. No. 192, A-Block, Gali No. 3, North Ghonda, Delhi - 110053, by Discom (Respondent).

2. In brief, the background of the case pertains to the removal of the meter along with service cable of the electricity connection of the Appellant without his consent and prior intimation on 20.09.2019 by Discom. The Appellant submitted that during his visit to the said premises on 01.10.2019, he found that the meter along with service cable had been removed by Discom without informing him which caused him regular harassment and mental agony from 03.10.2019 till 20.12.2019, when the new meter was installed by Discom on the direction of the Forum. He further added that his mother Late Smt. Satya Devi was the registered consumer of the electricity connection and this property was transferred on 01.10.2019 in favour of Shri Rakesh Kumar Saini, Ms. Archana Saini and himself, who are the legal heirs of late Smt. Satya Devi, w/o Shri Vidya Nidhi Saini. He further submitted that the said house was not in use since January, 2017 after his father had shifted from there on account of old age.

Since the premises was not in use and remained locked he used to get the meter readings recorded by the then meter readers regularly and it was prefixed with them to intimate the readings through mobile phone, since January, 2017 onwards. The Appellant denied having received any notice dated 08.08.2019 sent by Discom, regarding disconnection of the electricity connection in case the meter remained inaccessible for taking readings on account of premises locked. The notice also called upon the Appellant to keep his premises open for taking meter reading within three (3) days and inform the Discom accordingly as no meter reading has been taken by them after May, 2019, due to locked premises. The Appellant further stated that he was intimated vide letter dated 01.11.2019 by Discom that they have only removed the cable of electricity meter, due to premises found locked at the time of visit of the meter reader since May, 2019 onwards and also as per the records the consumption on his meter has been almost 'Nil' since January, 2017, which proved that the premises was not in occupation since long. He also added that as per Discom the notice dated 08.08.2019 has been alleged to be delivered to him as per the records of the post office where as he did not receive the same. The Discom also intimated him that only cable was removed from site and no meter was found to be available at the site at the time of removal of the service cable.

From the above sequence of events, the Appellant inferred that it is a matter of surprise that Discom chose a lengthy and typical process to serve him the notice instead of giving him a call on his mobile phone which was readily available in the records of Discom. Sending a message on his mobile or calling him would have been the easiest, economical, prompt and a sure short way for communicating him regarding non-availability of meter readings since May, 2019 onwards. The Appellant alleged that Discom deliberately sent him a notice as an eye-wash just to harm him whereas they were aware of the fact that premises is locked and nobody is residing there. He further clarified that no person named Jagbir is residing in the street to whom the notice is alleged to have been delivered by the Postal Department. The Appellant also argued that, it is pertinent to mention here that when the premises are in locked condition how the Discom came to know that the meter is not installed inside the building and secondly without entering how did they remove the cable from inside the premises. In view of the above, Appellant alleged that it is quite evident that Discom trespassed in the building in his absence and illegally removed the service-line cable along with meter from his premises without any prior intimation, which is not justifiable in the eyes of the law.

3. The Appellant further stated that since his request for reinstallation of meter along with service cable was not considered by Discom, hence, he was constrained to approach the Forum for redressal of his grievances. The Forum during the course of hearing however directed the Discom to install the meter free of cost on the outer wall of the premises, which was accordingly installed by them on 20.12.2019. Forum also held that the Appellant will be responsible for the safety and security of the meter. As the Appellant was not satisfied with the relief given by the Forum, he has preferred this appeal mainly on the grounds that the Para 14 of Regulation 29 & Regulation 33 of DERC Supply Code, 2017 which have been considered by the Forum for denial of compensation to him are not applicable in his case. Secondly, the observation of the Forum based on the photographs of the building as submitted by Discom in order to prove that the condition of the house is shabby and the premises is lying vacant since long without any supervision and lock is not in order. The Appellant argued that photographs were clicked by Discom after one month of illegal disconnection and it was only after the disconnection of the supply that the premises turned into a garbage bin. The Appellant also submitted that the Forum has wrongly presumed that the meter was stolen and as per the Regulation 33, the consumer/Appellant has to file an FIR (First Information

Report), which he failed to do so. The presumption of the Forum is not in order since the said regulation is not applicable in his case as the service cable was removed by Discom from the locked premises in his absence and it cannot be concluded on the presumption that the meter was already stolen at the time of removal of the cable unless there is a concrete proof/evidence available on the records.

In the background of the above, the Appellant prayed as under:

- (a) To pass necessary orders to conduct a fair enquiry through independent agency so that veracity of the truth may come out that whether the meter was removed by the Discom or it was stolen/lost.
- (b) That a compensation of Rs. 2,00,000/- may please be ordered to meet the ends of justice so that such types of reoccurrence may not occur with any other innocent consumer.

4. The Discom's version of events is that the electricity connection bearing CA No. 101342895 was registered in the name of Smt. Satya Devi who had already expired. The property in question is an old one and it is very important to mention here that the same is not in habitable condition rather not in a condition fit for any human being to live in, as is evident from the photographs submitted by them for reference and record. Further, the property is in such a dilapidated condition where restoration of electricity supply cannot be done on account of safety reasons. After analyzing the case history, they issued a disconnection notice dated 08.08.2019 on account of inaccessibility of meter reader to read the meter. Discom also submitted that from the consumption pattern of electricity it is quite clear that the property in question is not occupied by the Appellant or any other person since long. The Appellant was intimated by them that only the service cable has been removed and it was also suggested to him that in the first instance he should lodge an FIR for stolen meter and then apply for the restoration of the supply. The Appellant, rather than going in for an FIR as per regulations, filed a complaint with the Forum. Discom further submitted that the present appeal of the Appellant is based on the false and incorrect presumption and information and is not maintainable on the grounds that the meter was neither found at site nor removed by officials of Discom and supply disconnected by way of removal of service cable only.

Discom submitted that before proceeding further in the case, the Regulation 29 (14 & 15) and 33 of DERC Supply Code and Performance Standard Regulations, 2017, as quoted below need to be taken into consideration which clearly stipulates that the onus of the safe custody of the meter lies with the consumer.

***Regulation 29: Supply & Installation of meter 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.*

***Regulation 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.*

Discom further added that the Appellant by way of a complaint in the Forum sought to get the electricity meter and service cable installed which as per him was illegally removed by them. Although, in view of the above regulations it was the responsibility of the Appellant to keep the safe custody of the meter yet as per the direction of the Forum the meter was installed by them on the outer wall of the house on 20.12.2019. Once the meter was installed and after the completion of final hearing in the Forum on 03.01.2020, the Appellant vide letter dated 06.01.2020, for the first time claimed compensation on account of harassment and mental agony due to loss of time and money during the period of illegal disconnection of three months. Secondly, the Appellant also argued that the illegal act of disconnection on their part deprived him to utilize his building for three months which indirectly contributed to make his house a garbage dump for which he had spent a lot to get the same cleared.

5. To counter the above argument of the Appellant, Discom submitted that the present appeal is neither maintainable nor the Appellant is entitled to any compensation since the claim of the compensation is an afterthought. Secondly, it is an admitted fact that the house is inhabited since January, 2017 onwards and during this time from January 2017 till May, 2019 there was almost zero consumption of electricity. Also after May, 2019, the bill was raised in October, 2019, as during this period of six months there was no meter reading on account of meter being inaccessible and the Appellant after June, 2019 made payment of electricity bill in October, 2019 only after removal of service line. Discom also submitted that the Ombudsman has no jurisdiction to decide the issue of compensation as it is a matter of evidence to be decided after trial whether meter was removed by the Discom or not, whether house was in shambles prior to removal of service line or thereafter, whether removal of the service cable was cause of the present condition of the house or not, whether removal of the service cable was illegal, whether Appellant suffered harassment or agony on account of any act of Discom or on account of his own fault and so on.

Discom also pleaded that the compensation cannot be claimed merely on presumption and in the instant case the Appellant is presuming that the meter has been removed by them by misinterpreting the letter dated 01.11.2019. It is further submitted that the notice dated 08.08.2019 was issued by them wherein it was specifically mentioned that in case meter remained inaccessible even after three days of service of notice then the electricity would be disconnected. As meter was not made accessible, as no one was present at site to enable the meter reader to take reading, Discom had every right to remove the meter and service line more so from the point of view of safety as house was in shambles and there were grave chances of theft of electricity and or accident due to unguarded supply of electricity. Thus, there was no reason to presume that line man made a false report that there was no meter at site. From the report of the lineman, it is apparent that the meter was not at site and service line was removed more as a measure of safety and there is no reason to disbelieve the lineman and his report which also states that there was a leakage current in the armour of the service cable.

Discom also added that it is important to note that as per the Appellant he "used to get the meter reading recorded by the meter readers regularly and it was prefixed through mobile phones of the then meter readers and himself since January, 2017 as the premises was not in use and locked." Thus, on the showing of the Appellant himself, he took no steps for six months to get the meter reading recorded leading to theft of meter and removal of service line by the Discom. Thus it is the Appellant who is responsible for theft of meter and as such is not entitled to any compensation and the present appeal be dismissed with heavy cost.

6. Having heard both the parties and gone through the case records, it is amply clear that the appellant's case resolves around his basic demand that his electric connection be restored and compensation be granted due to the harassment and mental agony he has undergone on account of illegal disconnection.

After going through the material available on record and the photographs of the premises submitted by Discom, it is quite evident that the premises is lying vacant for a long time without any supervision and the condition of the house is very shabby. This material fact has been admitted by the appellant himself that the said house was not in use since January, 2017. The appellant used to get the meter readings recorded regularly since January, 2017 onwards to the meter readers as the premises was lying vacant and locked, but after May, 2019 he did not do that, which forced the Discom to issue him a notice on 08.08.2019 for disconnection in case meter is not made accessible for taking the readings. It is observed that the service cable was removed by Discom only after issue of a proper notice keeping in view the safety considerations as the continuity of electric supply in such a dilapidate building could have been a safety hazard. The appellant was also informed by Discom that they have only removed the service cable and meter was not found installed at site. They also advised the appellant to lodge an FIR for meter stolen as per procedure to avoid any misuse in future. Further, in view of the above, reconnection is not possible due to unsafe condition of the building and also as there is no domestic activity seen at the site. Once the meter was found missing by the appellant, he should have gone for filing an FIR with the police as per the regulations but he chose not go in for the same and rather filed a complaint in the Forum. In spite of the above facts and circumstances, during the course of hearing in the Forum, Discom was directed by the Forum to reinstall the meter on the outer

wall of the premises, which was duly complied with by them. Thus, the basic demand of the appellant for restoration of the supply was resolved amicably.

Regarding the prayer of the appellant for passing necessary orders to conduct an enquiry through independent agency to find out whether the meter was removed by Discom or it was stolen from the premises, the Regulation 29 (14) along with Regulation 33 have to be perused. These regulations clearly stipulate that if the meter is installed within the premises of the consumer, he shall be responsible for the safe custody of the meter and secondly the complaints regarding stolen meters shall be entertained by Discom only if the same is accompanied with copy of FIR or acknowledgement of the complaint lodged by the consumer with the police. In the instant case the said procedure has not been followed by the appellant, ignoring the advice of Discom in this regards, which would have helped him in finding the whereabouts of the meter by way of police investigation. In view of the above facts, it is prudently held that to make any order on the prayer for instituting an independent enquiry is beyond the jurisdiction of this court. The appellant is however free to file a complaint with police as the case pertains to theft of meter.

7. Having taken into consideration the material available on record, it is observed that disconnection of his connection by way of removal of service cable was in accordance with the extant regulations for disconnection of supply when the meter is not accessible for taking the readings and not on account of non-payment of any outstanding dues by the appellant. It is pertinent to note here that a prior notice was served to the appellant before disconnection of his connection by Discom, which is as per regulations. Further, it is observed that the report dated 20.09.2019 of the official of Discom who had gone to disconnect the connection of the appellant, clearly states that premises is found in demolished condition, there is current in the armour of the service cable and no meter found available at site. There is no reason to disbelieve the report of the said official of Discom which has been made on the day of removal of service cable itself. Further, the appellant also failed in his responsibility to ensure the safe custody of the meter and ignored the advice of Discom for filing of an FIR once the meter was not found at site. The filing of an FIR would have also ensured an inquiry by Discom at that point of time and helped him in an early resolution of his problem by way of reconnection of the connection.



It is also important to note that the appellant stopped the process of getting the meter readings recorded to the meter readers which he sued to do prior to May, 2019 which forced the Discom to issue him a notice for disconnection in case meter is not made accessible for taking readings. He did not take any other steps for six months to get the meter readings recorded. Therefore, leaving alone arguments of compensation by the appellant alleging harassment and mental agony, it is observed that the premises in question is an ancestral property which is lying vacant for a long time and the appellant is not residing over there. Discom has disconnected the supply as per the extant regulations and proper procedure has been followed by them. There is no infirmity on the part of Discom. The compensation cannot be claimed merely on certain presumptions and, therefore, the appellant's demand for compensation from Discom is not sustainable.

In the background of above, there is no substantive reason to find fault with the CGRF's verdict and that the disconnection was in accordance with the procedures, that no harassment as alleged has been caused and that no compensation is due. With this direction, the plaint of the appellant is hereby disallowed.

Accordingly, no substantive case is made out for any intervention with the verdict of the Forum and the appeal is disposed of accordingly.

**(S.C.Vashishta)**  
**Electricity Ombudsman**  
**20.08.2020**