

## **Office of the Electricity Ombudsman**

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

**B-53, Paschimi Marg, Vasant Vihar, New Delhi – 110 057**

(Phone-cum-Fax No.: 011-26141205)

### **Appeal No. 21/2018**

#### **IN THE MATTER OF:**

Shri Jagdish Prasad - Appellant

Vs.

M/s BSES Rajdhani Power Ltd. – Respondent

(Appeal against order dated 05.06.2018 passed by CGRF- BRPL in CG No.54/2018)

#### **Present:**

Appellant: Shri Jagdish Prasad and Ms. Askini Shokeen

Respondent: Shri Deepak Pathak, Advocate, Shri Prashan Saxena, Sr. Manager and Ms. Neetu Bhatia, DGM on behalf of BRPL

Dates of Hearing: 02.08.2018 and 08.08.18

Date of Order: 09.08.2018

#### **ORDER**

1. Appeal No. 21/2018 has been filed by Shri Jagdish Prasad, R/o B-112, Nanhe Park, Matiala, Bindapur, Uttam Nagar, New Delhi-110059 against the verdict of CGRF-BRPL cited above.

2. The background to this appeal arises from the Appellant's representation before the CGRF seeking separate service lines for each of the four new domestic connections he has sought for his four-story building as well as that the meter be installed at a location of his choice in the ground floor parking area. When the Discom (Respondent) did not accede to his requests, he approached the CGRF which also did not find in his favour, hence this appeal.

3. The Discom's response is that the Appellant's demand concerning the manner of granting the connections through separate service lines as well as insisting that the meters be located only within the parking area is not sustainable on technical grounds as well as being at variance with prescriptions on the subject as contained in the DERC's Supply Code & Performance Standards Regulations, 2017. Most specifically, the Discom has referenced Regulation 11 (4) (iv) on the energisation of multiple connections from a single service line only through bus-bars as well as Regulation 29 which, inter alia, provides for the installation of the meters only at locations with proper ventilation, adequate illumination and easy access to authorise personnel for reading and maintenance with minimum inconvenience to the owner of the building. In the present case, the Discom has held that these conditions are not being met and that their suggestion to mount the meters on the exterior wall of the building has not found acceptable by the Appellant with a result that the connections have not yet been released.

4. I have heard both the parties and considered all the material on the record. During the first hearing, the Appellant argued that all the structures on his lane were builders' flats with meters located inside the premises within the parking bays but that



he was being singled out for discriminatory treatment by the Discom's insistence that his meters be located outside and rejecting his request while permitting different arrangements for other buildings at the same time. In particular, he mentioned building No. 104 which, according to him, had a similar parking bay on the ground floor with doors but with the meters located inside. He also alleged that the Discom's staff had made illegal demands for gratification.

5. The Discom's counter revolved around a reiteration of the provisions of the DERC's Code on the subject, insisting that they had followed the prescriptions therein and that the technical requirements of easy access without a need to unlock any doors to gain access to the meters as well as illumination and ventilation was not being met as the meters were to be located towards the rear of the parking bay. The Discom also held that there were possible hazards from cars which would be parked in the area and that safety considerations involving the building and its occupants were overriding factors which the Discom could not afford to violate at its own risk.

6. Since the position with regard to other buildings on the same street was not clear enough to determine whether a differential treatment was being accorded to the Appellant, the Discom was asked to conduct a review and furnish additional information at a second hearing. The Discom has clarified that all meters in the area were in the process of being shifted out of the buildings to the outside on safety considerations with actions in about 500 out of the 700 connections in the area having already been completed. During this hearing, the Discom indicated that further consultations had been held with the Appellant to seek a solution to the conundrum. While the present location desired by the Appellant was not safe from the technical standpoint, the Discom would be agreeable to an alternate location provided the necessary safety mechanisms were in place. The Appellant stated that he was agreeable to the proposal made by the Discom. This subject will, therefore, not be touched upon further and the matter / appeal is hereby treated as settled.

7. While closing this case, it is nevertheless deemed necessary to make certain observations. The Appellant's allegation that illegal gratifications were demanded has not been substantiated by him and is clearly more of an afterthought. He should have brought it to the notice of the Discom's higher authorities promptly if such an incident had indeed taken place and raised it before the CGRF as well. Regarding the Appellant's demands on the location of the meters, it would be pertinent to note that while it is the duty of the Discom to ensure that all customers are treated on an equal footing, consumers also have to understand that technical reasons for determining the location of meters while complying with safety prescriptions lie within the Discom's exclusive domain. It is the final responsibility of the Discom to ensure that works being executed by them are consistent with prescribed safety parameters. These prescriptions cannot be overridden, subordinated or diluted under any circumstances to cater to individual preferences, conveniences, whims and fancies. The Discom has to evolve the technically most optimal solution consistent with safety requirements while consulting with the consumer but the final arbiter in such matters necessarily has to be the Discom which ultimately bears the final responsibility for the integrity and safety of the works they are executing and – if an accident or some similar unfortunate event were to take place – the consequential legal liability for that event as well.

The appeal stands disposed off accordingly.



(Sundaram Krishna)  
Ombudsman  
09.08.2018