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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment delivered on: 06th April, 2021

+ **W.P.(C) 4210/2021 & CM APPL. 12795-96/2021**

SUNIL BAGAI

..... Petitioners

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Petitioner in person.

For the Respondents: Mr. Rishab Raj Jain, Advocate for BSES (Through VC).

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of notice dated 05.03.2021 whereby a notice for disconnection under Section 163 of the Electricity Act, 2003 has been given to the petitioner. Petitioner further seeks a direction to respondent Nos.2 to 4 (BSES Rajdhani Power Limited- BSES for short) not to force the petitioner to get the existing meter replaced/changed.

2. Petitioner, who appears in person and is a practising Advocate, contends that no reason has been given by the respondent/BSES for change of the electricity meter. He further submits that the electricity

meter is functioning properly and as such, the meter should not be changed. Further, it is contended that the contention of the respondent in the disconnection notice that he has not permitted access to the existing electricity meter on the ground that the premises was closed or the place where the meter is installed is locked, is incorrect.

3. He submits that the petitioner resides in a flat in Vasant Kunj and all the electricity meters of the flats are installed under the staircase that is easily accessible to any visitor and the petitioner has not placed any lock over the premises or prevented any inspection from being carried out.

4. He further contends that electricity meter cannot be changed unless the same is defective. Reliance is placed on Rule 5 (13) of the Electricity (Rights of Consumers) Rules, 2020, which reads as under:-

“5. Metering

(13) Replacement of defective or burnt or stolen meters shall be done,- (a) either on consumer's complaint or upon inspection by the distribution licensee, if the meter is prima facie found to be defective or burnt or stolen not due to causes attributable to the consumer, the licensee shall restore supply through a new meter at its own cost within the timelines as specified by the Commission; (b) if, after investigation, it is found that the meter has become defective or burnt or stolen due to causes attributable to the consumer, the necessary charges shall be recovered from the consumer as specified by the Commission; (c) within a time period, to be specified by the Commission not exceeding twenty-

four hours in urban areas and seventy-two hours in rural areas by the distribution licensee.”

5. Though the contention of the petitioner is that unless the meter is defective, meter cannot be replaced, he has not been able to show any law or rules and regulations, which prohibits the BSES from replacing a meter unless the same is defective.

6. The rules and regulations relied on by the petitioner are pertaining to replacement of defective/burnt meter. This is not a case where the meter is burnt or defective.

7. As contended by learned counsel for the respondent/BSES that meters are being changed across the board with latest ISI mark meters. He further submits that a notice was given to the petitioner on 01.10.2019 (Annexure P-3 at page 42), which specifically states that that over the past years BSES has made considerable progress towards upgrading and improving the electricity distribution infrastructure in its area of supply and has taken up modernisation of the downstream distribution infrastructure leading up to the consumer homes and accordingly, they were undertaking change of meters. The letter also specifies that new electronic meters are ISI marked and tested for quality and accuracy as per IS 13779.

8. The notice specifically states that the meter would be changed free of cost and the consumer would not be required to make any payment for change of existing service cable or any other meter accessory as may be required.

9. It is contended by learned counsel for the respondent that despite the effort of the respondent/BSES to the change the meter at its own cost, petitioner has failed to cooperate and has repeatedly opposed changing of the meter without any cause.

10. Even before this Court, petitioner has not been able to show any valid ground for opposing the change of meter except to state that the same is contrary to law.

11. As noticed above, petitioner has not been able to show any rules or regulations, which prohibit the BSES Rajdhani Power Limited from changing the electricity meters and from installing a more advanced electronic meter. Specially, when the same is being done at its cost and no cost is being passed on to the consumers.

12. Since Petitioner has contended that the existing meter is located in a place which is not locked by the petitioner, the notice of disconnection dated 05.03.2021 is kept in abeyance till an inspection is carried out by the officers of the Respondent BSES.

13. The officers of the respondent/BSES shall visit the premises and inspect the existing meter and in case there is any obstruction by the petitioner from inspection of the meter, respondent would be at liberty to take action in accordance with law.

14. Respondent/BSES Rajdhani Power Limited would also be entitled to replace the meter with the latest technology meter as specified by it in its notice dated 01.10.2019 by following the rules

and regulations and in case there is any obstruction by the petitioner, respondent would be at liberty to take appropriate action in accordance with law.

15. The petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

APRIL 6, 2021

NA

