



CA No. Applied For
Complaint No. 13/2021

In the matter of:

Puneet Bindal

.....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. Gaurav Bindal, Authorized representative of the complainant
2. Mr. Imran Siddiqi, On behalf of BYPL

ORDER

Date of Hearing: 02nd March, 2021

Date of Order: 05th March, 2021

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

The complainant approached the Forum on 23.12.2020 with his grievance related to release of new connection vide request no. 8004389654.

The case of the complainant was admitted by the Forum and was listed for first hearing on 05.02.2021. While hearing the case the Forum directed to hold a joint inspection alongwith officer of the Forum.

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Harshali

Imran

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The respondent vide their mail dated 23.02.2021 file a submission through email that the matter is pending before Hon'ble State Commission and filed in the month of June 2020, which was registered in July 2020 having case no. 1871/1141/2020/07/2977-78 dated 17.02.2021 and the matter of new connection is being looked into by the commission and also complainant cannot pursue same matter in two Forum's simultaneously.

The complainant at the time of filing the complaint in the Forum gave an undertaking that no such case is pending before any court.

Before coming into the knowledge of the Forum that passed orders in proceedings, but now these orders are not binding for the respondent.

It is well settled principal of law - that if the matter is pending in two courts between the same parties and has same cause of action, then the complaint filed by the complainant later on/second one cannot be entertained by later court and it should be attached with the previous one.

Respondent also submitted copy of order of the State Commission dated 17.02.2021, same is narrated below:

"Representative of the respondent showed some photographs in the mobile phone showing that the building in which the complainant has sought the electricity connection is not conducive to grant the same as it is in a dilapidated condition. It is an old building, broken, unfinished and unsafe for permanent electricity connection. It was further submitted that a connection already existed at the site and the complainant has already filed a complaint in Consumer Grievance Redressal Forum (CGRF)."

The matter was listed for hearing on 02.03.2021, when again respondent submitted that this matter is pending before the State Commission and sub-judice.



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That the forum has a limitation to entertain the complaint as defined in Regulation 13(1) of DERC, Forum for Redressal of Grievances of the Consumers and Ombudsman, REGULATIONS, 2018, same is narrated below.


13. Limitation of Jurisdiction of the Forum


(1) The Forum shall not entertain a grievance if it pertains to the same subject matter for which any proceedings before any court, authority or any other Forum is pending or a decree, award or a final order has already been passed by any competent court, authority or forum.

We are of the considered opinion that this Forum has no jurisdiction to entertain the present complaint as same parties and same cause of action and sub-judice before the State Commission as per above referred CGRF Regulations 2018.

The case is rejected.


(HARSHALI KAUR)
MEMBER (CRM)


(VINAY SINGH)
MEMBER (LAW)


(ARUN P SINGH)
CHAIRMAN

