



C A No. 100503229

Complaint No. 228/2023

**In the matter of:**

Aakash Babu

.....Complainant

**VERSUS**

BSES Yamuna Power Limited

.....Respondent

**Quorum:**

1. Mr. Nishat Ahmed Alvi, Member (CRM)
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. MR. H.S. Sohal, Member

**Appearance:**

1. Mr. Aakash Babu, Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chavi Rani, On behalf of BYPL
3. Mr. Virender Kumar, Respondent no. 2

**ORDER**

Date of Hearing: 06<sup>th</sup> July, 2023

Date of Order: 14<sup>th</sup> July, 2023

**Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)**

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 Secretary  
 CGRF (BYPL)

1. This complaint has been filed by Mr. Aakash Babu against BYPL-SRD.
2. The brief facts of the case giving rise to this grievance are that two connections having CA no. 100503229 and 100503246 are installed at his premises no. 2108, 3<sup>rd</sup> floor, Deshbandhu Gupta Road, Karol Bagh, Delhi-110005 in name of M/s Khandelwal Engg works, Khandelwal exports (P) Ltd., respectively.



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It is also his submission that suddenly the address of bill against CA no. 100503229, was changed and the new address is 16/2108, B-3 road, Deshbandhu Gupta Road, Naiwala, Karol Bagh, Delhi - 110005 instead of above mentioned address which is not correct and needs correction.

3. OP in its reply briefly stated that the complainant is seeking relief of lodging of an FIR in respect of electricity connections bearing CA No. 100503229 and 100503246 claiming that on the basis of fabricated documents the two connections were granted. The particulars of the connections are as under:-
- a) CA no. 100503229, billing address office in 16/2108-B-3, Deshbandhu Gupta Road, Naiwala, Karol Bagh, Delhi-110005, date of energization 01.01.1990.
  - b) CA No. 100503246, billing address office in 16/2108, T/F, Deshbandhu Gupta Road, Naiwala, Karol Bagh, Delhi-110005, date of energization 01.01.1990.

OP further added that from the particulars it is clear that two connections were energized on 01.01.1990, thus present complaint is barred by limitation. Admittedly it is not case of name change or address change. The complainant placed on record WILL dated 28.05.1990 of his father Sh. Totaram which is in respect of house no. 16/2108, Deshbandhu Gupta Road, Karol Bagh, Delhi. As per the WILL all floors except for second floor are let out and on demise of Sh. Totaram three of his sons including the complainant will get equal share in the subject property.

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4. The complainant in his rejoinder submitted that his tenant Mr. Virender Kumar Khandelwal has sub-let his property to other companies and the complainant has applied for withdrawal of GST No. and GSTIN No. of all the sub-letted companies in his property in the relevant departments. Therefore, he requested the Forum to direct the respondent for disconnection of all the three connections installed at his premises in the name of Virender Khandelwal.
5. LR of the OP submitted that it is necessary to make Mr. Virender Khandelwal party in the matter for proper adjudication of the case. Mr. Virender Kumar Khandelwal was made party in the present case.
6. Mr. Virender Khandelwal summoned and he appeared before the Forum. He informed the Forum that there are three meter at site, details are as below:
  - a) Khandelwal Engg Works meter no. 8091826, 16/2108 B 3<sup>rd</sup> floor, DB Gupta Road, Karol Bagh, New Delhi.
  - b) Khandelwal Engg Works, meter no. 8092013, 16/2108, 3<sup>rd</sup> F, DB Gupta Road, Karol Bagh, New Delhi
  - c) A D Scoper Advertising and Marketing, meter no. 8092707, 16/2108, 3<sup>rd</sup> F, DB Gupta Road, Karol Bagh, New Delhi.

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In support of his claim he also submitted electricity bills of all the above said connections pertaining to the year 1982. He also submitted details of other 9 meters installed in the same building, where BSES has given different address in each bill. Mr. Virender Khandelwal also submitted that after 40 years from the date of installation of meters Mr. Aakash has presented his complaint to unnecessary harass them. As

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already the eviction/water court case are going on in the court of law and matter is Sub-Judice. Mr. Aakash and others had also stopped illegally their water supply and for that court has issued necessary directions to Delhi Jal Board in 2021 to install water and meter and the same was installed accordingly. Mr. Aakash is filing complaint after almost 40 years of installation of meters to waste time of all of us with the motive to harass us with malafide intentions.

7. I heard all the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing the parties it is transpired that the present case is property dispute and eviction case between the parties is pending before the Civil Court. Therefore, as per THE DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018, Regulation 13 (1) narrated as 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.**

In view of the above, we are of the considered opinion that the present complaint is regarding property dispute and is pending before other court/forum. Therefore, this Forum has no jurisdiction to entertain the present complaint.

The case is disposed off as above.


No order as to the cost. The parties should be informed accordingly.

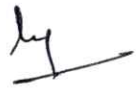
Proceedings closed.


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Secretary  
CGRF (BYPL)

  
(H.S. SOHAL)  
MEMBER

  
(NISHAT A. ALVI)  
MEMBER (CRM)

  
(P.K. AGRAWAL)  
MEMBER (LEGAL)

  
(S.R. KHAN)  
MEMBER (TECH)