



CA No. 152070208
Complaint No. 31/2023

In the matter of:

Jagdish KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Uma Shankar, Counsel for the complainant alongwith Complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta chaudhary & Ms. Chavi Rani, On behalf of BYPL
3. Mr. R.N. Pandey, Counsel of Respondent no. 2 along with respondent no. 2

ORDER

Date of Hearing: 04th July, 2023

Date of Order: 14th July, 2023

Attested True Copy


Secretary
CGRF (BYPL)

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

1. This complaint has been filed by Mr. Jagdish Kumar against BYPL-YVR.
2. The brief facts of the case giving rise to this grievance are that he is owner of premises no. H.No. 24, Krishna Gali No.6, First floor, Maujpur, Delhi-53, but respondent has released connection vide CA No. 152070208 without his consent.







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It is also his submission that he approached respondent for disconnection of unauthorized and illegal electricity connection but OP did not pay any heed to his request. Therefore, his complaint for removal of electricity connection be granted.

3. OP in its reply briefly stated that the complainant is seeking removal of electricity connection bearing CA No. 152070208 installed at property bearing no. 24, UGF, Krishna Gali No. 6, Maujpur, Dlehi-53. The connection is registered in the name of Gopal Kaushal who is also brother of the complainant. OP further added that it is apparent that there is ownership dispute between the complainant and his brother.

It is also their submission that the said connection was given as per law on the basis of GPA, gift deed, possession letter, Deed of Will, affidavit and Aadhar Card of the suit premises. The complainant has filed the present complaint in January 2023 i.e. after five year from the date of energization of the connection which was energized on 05.01.2017.

4. Mr. Gopal Kaushal, brother of the complainant was served notice to appear before the forum, to ascertain the factual position.
5. 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)

 *Deeta*



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Secretary
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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.


(H.S. SOHAL)
MEMBER


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH)

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Secretary
CGRF (BYPL)