



C A No. Applied for
Complaint No. 16/2023

In the matter of:

Sabir AliComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)

Appearance:

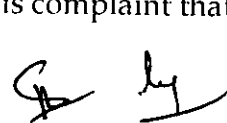
1. Mr. Sabir Ali, Complainant alongwith counsel
2. Mr. Eepak Jain, Ms. Shweta Chaudhary & Ms. Divya Sharma,
On behalf of BYPL

ORDER

Date of Hearing: 14th February, 2023
Date of Order: 16th February, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Mr. Sabir Ali, against BYPL-KWN.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Sabir Ali resides at premises no. G-3/313, Gali no. 12, Sonia Vihar, Delhi-110094. It is also his complaint that he

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applied for new electricity connection vide request no. 8006021818 but respondent rejected his application for new connection on the pretext of premises under HT line. Therefore, complainant's application for release of new connection may be granted.

3. The respondent in reply briefly stated that the complainant applied for grant of new electricity connection vide application no. 8006021818 at property bearing no. G-3/313, Ground floor, Gali No. 12, G-block, Pusta-5, Sonia Vihar, Delhi-110094.

It is also their submission that earlier before this complaint, the complainant had filed complaint before this Forum bearing CG No. 125/2021 whereby he sought new electricity connection in respect of same premises. This Forum rejected the application of new connection of the complainant vide order dated 18.01.2022 as the requisite horizontal distance was not there between his premises and HT line. Thereafter, complainant filed an appeal before the Ld. Ombudsman vide appeal no. 16/2022. The learned Ombudsman confirmed the order passed by CGRF and the said appeal was disposed off vide order dated 04.08.2022.

OP further submitted that present complaint is not maintainable on the principle of resjudicata. Also, in terms of Regulation 13 of the Delhi Electricity Regulatory Commission (Forum for Redressal of Grievances of the consumers and Ombudsman) Regulations 2018, thus this Forum has no jurisdiction to try and adjudicate the present complaint.

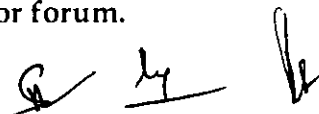
  

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4. Heard both the parties and perused the record. Heard the arguments of Authorized Representative of the complainant and OP-BYPL.
5. DTL was issued notice for providing Horizontal and Vertical distances.
6. DTL vide their letter no. F.DTL/206/22-23/Mgr. (T) O&M (E-4)/TR-794/217 dated 09.02.2023 stated that the horizontal clearance of the structure from perpendicular to the bottom phase conductor is NIL and do not meet safety clearances as specified by CEA safety Regulations. Vertical clearance of premises from bottom phase conductor is more than 5.0 meter but falls exactly under the line.
7. During the arguments and after perusal of the pleadings and replies placed on record it came to the knowledge of the Forum that the complainant had earlier also filed a complaint before the Forum in the year 2021 vide C.G. No. 125/2021 which was rejected by the Forum vide its order dated 18.01.2022 as the distance between the HT line and premise of the complainant is not sufficient as per CEA Regulations. Thereafter, the complainant against the orders of the Forum moved to Hon'ble Ombudsman, there also, Hon'ble Ombudsman upheld the orders of the Forum.

The complainant hides these details with the Forum and lodged a new complaint. Therefore, the present complaint is not maintainable as per Regulation 13 (1), which is stated 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.



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In view of above, we are of considered opinion, that the present complaint is not maintainable in the Forum as the same matter has already been decided by the Forum itself and Hon'ble Ombudsman also.

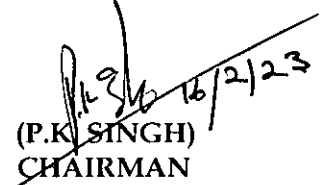
Therefore, the complaint of the complainant stands dismissed.

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

Proceedings closed.


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN