

CA No. 100520113

Complaint No. 196/2023

**In the matter of:**

Achil Bhardwaj

.....Complainant

**VERSUS**

BSES Yamuna Power Limited

.....Respondent

**Quorum:**

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

**Appearance:**

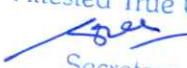
1. Mohd Muzammil, Counsel of the Complainant
2. Ms. Ritu Gupta & Mr. R.S. Bisht, On behalf of BYPL
3. Mr. Vijay Kumar Kaushik, Respondent no. 2

**ORDER**

Date of Hearing: 18<sup>th</sup> July, 2023

Date of Order: 24<sup>th</sup> July, 2023

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

Attested True Copy  
  
Secretary  
CGRF (BYPL)

1. This complaint has been filed by Mr. Achil Bhardwaj against BYPL-PHG.
2. The brief facts of the case giving rise to this grievance are that on 17.03.2019 a fraudulent electricity connection having CA No. 100520113 was installed in premises no. 1033, Pul Mithai, Library Road, Delhi-110006 by one Mr. Vijay Kumar Kaushik & Others R/o 103332-33, Pul Mithai, Library Road, Delhi-110006.

 Achil Bhardwaj

 Mr. P.K. Agrawal

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It is also his submission that firm M/s Pt. Madan Lal & sons run by the father of the complainant Lt. Sh. Rajinder Bhardwaj and he expired on 07.01.2021. After his demise the complainant becomes owner of the said property and Mr. Vijay Kumar Kaushik with the help of forged documents and bad intentions for grab the property got new connection released. Therefore, he requested forum to direct respondent for disconnection of the said connection.

3. OP in its reply briefly stated that the complainant is seeking disconnection of electricity connection bearing CA no. 100520113 which is registered in the name of M/s Madan Lal & Sons through its authorized signatory Mr. Rajinder Bhardwaj having billing address as 10333, Library Road, Azad Market, Delhi-110006. The complainant alleged that the subjected connection has been obtained on forged documents filed by Mr. Vijay Kumar Kaushik, with bad intentions to grab the property. The connection was energized on 22.05.2009 on the application of registered consumer through its authorized signatory Mr. Rajender Bhardwaj on the basis of affidavit, election card of Mr. Rajender Bhardwaj, Factory license, rent receipt, NOC of land lord Mr. Khajan Singh, undertaking of Mr. Suresh Bhardwaj claiming that earlier he was the care taker of Madan Lal & Sons and now Mr. Rajender Bhardwaj is the case taker/ AR of Madan Lal & Sons.

OP further added that the complainant claims that his deceased father Mr. Rajender Bhardwaj was the owner of the property but no documents to this effect are placed on record. He has also not placed on record any survivorship certificate, will, ownership documents, gift deed etc to claim his right on the property. Thus, the complainant is not the consumer of the respondent <sup>and</sup> has no locus standee to file the present case in the Forum. As such learned Forum has no jurisdiction to entertain the present complaint.

*S. Deekshay* Attested True Copy  
2 of 4 *Agree*  
Secretary  
CGRF (BYPL)

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OP also added that Mr Vijay Kumar Kaushik is necessary party to adjudicate the matter. Forum noticed Mr. Vijay Kumar Kaushik to appear before the Forum.

4. Mr. Vijay Kumar Kaushik was summoned and he appeared before the Forum. He informed the Forum that the complainant is trying to use this Forum as tool to create defense in complaint case bearing no. 10884/18 tilted as Vijay Kumar Kaushik vs. M/s Madan Lal & Ors. pending before the Hon'ble Court of ACMM, Central, Tiz Hazari, Delhi. The Hon'ble court has taken cognizance of the offence of forgery and cheating against the accused persons including Rajinder Bhardwaj and Suresh Bhardwaj and further has been pleased to issue non-bailable warrants against Sh. Suresh Bhardwaj in the above said case. Therefore, this complaint deserves dismissal.

It is also his submission that property bearing no. 10333, Pul Mithai, Library Road, Delhi-110006 was owned by the father of Mr. Kaushik. The said property is joint family property/ancestral of the answering respondent, wherein M/s Madan Lal & Sons was inducted as tenant long time back in the year 1964. The complainant's firm was not operating its business from the above said premises from several years and was also not paying any rent to the answering respondent. Therefore, after termination tenancy of the firm, eviction petition was filed by him before the District Court, Tis Hazari, Delhi and the firm was ordered to be evicted from the premises in petition bearing no. E-46/18 by the Addl. Rent Controller (Pilot court) Central District, Tis Hazari Court Delhi vide order dated 27.11.18.

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In support of his claim he also submitted copies of Court's orders.

  
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The matter was listed for hearing on 18.07.2023, when counsel of the complainant submitted that they are withdrawing their complaint and also submitted withdrawal letter to this effect.

Withdrawal is accepted and allowed.

The case is disposed off as above.

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

Proceedings closed.

  
(P K SINGH)  
CHAIRMAN

  
(S.R. KHAN)  
MEMBER-TECH

  
(P.K.AGRAWAL)  
MEMBER-LEGAL

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(H.S. SOHAL)  
MEMBER

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Secretary  
CGRF (BYPL)