



Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act. 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

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SECY/CHN 015/08NKS

Review Application No. RA03/2023

IN Complaint No.(CG No.169/2022)

In the matter of:

BhagwantiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Mr. Vinod Kumar, Counsel of the complainant
2. Mr. Imran Siddiqi, Ms. Ritu Gupta, Ms. Shweta Chaudhary & Mr. Prateek Pahwa & Ms Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 02nd February, 2023

Date of Order: 28th February, 2023

Pronounced By:- Nishat Ahmed Alvi, Member (CRM)

1. By way of present Review application OP has prayed for withdrawal of the directions passed by this Forum in the order under Review. The order is "further as even after passing of about three years since 2019-The objection raised, the MCD has taken no action against the said Premises, then OP shall

enquire the MCD about the status of objection as on date, in writing, within a period of 15 days and in case the reply says that the objection no longer

Subsists or there is no reply within the required time, then OP shall release the electricity connection applied for."

2. Grounds raised in the application for review are two. Firstly that observation, of the Forum that Despite receipt of objection list of MCD on 23.12.2019, OP released new connection on 16.09.2020, is against the facts of the case as much as it was a case of change of the consumer only is an already existing connection, which OP did after complying Procedure for the same as per Regulation 17 of DERC (Supply Code and Performance Standards). Regulation 2017 by giving a new CA bearing no. 153146395 in place of existing CA No. 152974735.
3. Secondly the observation, in the order, That the relief sought in the complaint is in fact a reconnection not a new connection, is wrong in as much as after passing Six months the disconnected connection becomes dormant as per Regulation 19 of DERC (Supply Code and Performance Standards Regulation 2017) and consumer has to fulfill all formalities required for new connection to get revival of the connection.
4. Going through both grounds we find no merit in the second ground as in para 2 at Page 4 of the order, this Forum has itself stated that "Complainant in fact is seeking reconnection and not new connection. But She is obliged to complete formalities of new connection, for the reason that rules and Regulations concerned provide for the same."
5. With respect to first ground though we find certain documents on record but pleading no where states that the connection objected to, is only a name change in already existing connection. While by way of Replication complainant has placed on record copy of bill showing that this connection was energized on 16.09.2020. However even if it was not a new connection it will have no bearing on the order as order is based only on the fact of MCD objection. If objection subsist OP can still deny connection.
6. Besides if we go through the Prayer made in the review application OP seems



considering the order as erroneous and wants to get it corrected as per its suitability for which law provides remedy in appeal.

As per Hon'ble Supreme Court in **Meera Bhanja Vs Smt Nirmala Kumari Choudhry** Review may be exercised where some mistake or error apparent on the face of the record is found. It may be exercised on any analogous ground. But it may not be exercised on the ground that the decision was erroneous on merits. This would be the province of appeal. A power of review is not to be confused with the appellate power which may enable an appellate court to correct all manner of errors committed by the Subordinate court.

In exercise of jurisdiction under order 47 Rule CPC it is not permissible for an erroneous decision to be "reheard and corrected." It has a limited purpose and cannot be allowed to be " an appeal in disguise."

In another case **Rajender Kumar Vs Rambhai** AIR 2003 Sc 2095 Hon'ble Supreme Court ruled that "The first and foremost requirement of entertaining review Petition is that the order, review of which is Sought, suffers from any error apparent on the face of the order and permitting the order to stand will lead to failure of justice."

In the facts and circumstances of the case even if plea of no new connection is accepted there shall be no failure of justice by way of order under review. Hence present review is not permissible and proper remedy is appeal.

Finding no merits the review application is hereby dismissed as not maintainable.

~~(P.K. SINGH)
CHAIRMAN~~

dear
(NISHAT A. ALVI)
MEMBER (CRM)

by
(P.K. AGRAWAL)
MEMBER (LEGAL)

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

S
(H.S.SOHAL)
MEMBER