

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

Shahdara, Delhi-110032

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SECY/CHN 015/08NK

C A No. Applied For
Complaint No. 319/2023

In the matter of:

KusumComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat A Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Imran Siddqui, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 12th October, 2023

Date of Order: 16th October, 2023

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

1. The brief facts of the case giving rise to this grievance are that the complainant applied for name change vide request no. 8006343448, at premises no. US-230, Mandawali Fazalpur, Delhi-110092, but respondent rejected the application of the complainant for name change on the pretext of dispute bp generated on address.

[Handwritten signatures and initials]

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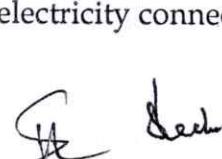
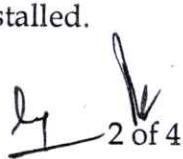
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2. OP in its reply submitted complainant is seeking name change with respect to CA No. 154088294 which is currently registered in the name of P Nand Bhagat and installed at property bearing no. US-230, Mandawali Fazalpur, Delhi-110092. Complainant applied vide request no. 8006343448 for change of name with respect of C A no. 154088294 in her capacity as the GPA holder of the subject premises. Complainant had placed on record GPA dated 11.03.2019 executed in her favour by her husband Sh. Ashok Kumar. The request of the complainant was rejected due to existence of an ownership dispute/court case pertaining to the subject premises. Electricity connection was registered in the name of Sh. P Nand Bhagat, upon seeking name change, the same was transferred in the name of Sh. Neeraj Kumar.

OP further added that the complainant herein filed one complaint titled Kusum Vs BSES YPL bearing CG No. 28/2023 wherein she sought new connection which was rejected as it was observed that meter already existing at Ground Floor vide CA No. 11606945 and there was a property dispute between the complainant and owner of first floor Mr. Naveen. Forum vide its order dated 09.03.2023 directed respondent to revert the name change done by them with respect to C Ano. 154088294 and further directed to keep the status quo of the connection as it was prior to the previous name change from P Nand Bhagat to Neeraj Kumar. In the fact that parties are litigating as a court case is pending adjudication titled as Naveen Kumar and Ors. VS Ashok Kumar and Anr bearing CA No. 613/2019 in the court of Sh. Kishore Kumar, ADJ, East Karkardooma Court, Delhi no name change can be carried out as sought by the complainant with respect to the electricity connection installed.

Attested True Copy


Secretary
CGRF (BYPL.)

 
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3. Counsel of the complainant submitted his rejoinder rebutting therein the contentions of the respondent as averred in their reply and submitted that OP on one hand has refused to change the name of the connection which is being used by the complainant in her premises and on other hand has changed the name of other connection which is also installed in the same premises/building having CA No. 153945654 installed in the name of Sandeep Kumar has been changed from its previous RC Sh. P. Nand Bhagat.
4. LR of the OP argued that there is property dispute between the complainant and other occupant. OP further added that as per previous orders of the Forum in the matter of Kusum Vs BYPL bearing CG No. 28/2023 where Forum has directed the respondent to revert the name change done by the respondent with respect to CA No. 154088294 and further directed to keep the status quo of the connection of the connection as it was prior to the name changed. Also, the matter is pending adjudication titled as Naveen Kumar and Ors Vs Ashok Kumar and Anr bearing CS no. 613/2019 in the court of Sh. Kishore Kumar, ADJ, East, Karkardooma Court, Delhi.
5. In view of above, we are of considered opinion that since the case is pending before court of Sh. Kishore Kumar, ADJ, East, Karkardooma Court, Delhi bearing CS no. 613/2019, this forum as per **THE DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018, Regulation 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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6. Therefore, we are of considered opinion that since the matter is pending for adjudication before the other court/forum, thus this Forum has no jurisdiction to entertain the present case as stated above.

ORDER

Complaint is rejected. Respondent has rightly rejected the application of the complainant for name change.

The case is disposed off as above.

Both the parties should be informed accordingly. Proceedings closed.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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