



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 015/08NKS

C A No. Applied For
Complaint No. 111/2021

In the matter of:

Yogesh KumarComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. Arun P Singh (Chairman)
2. Mrs. Vinay Singh, Member (Legal)

Appearance:

1. Counsel of the complainant
2. Mr. Imran Siddiqi & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 24th November, 2021

Date of Order: 29th November, 2021

Order Pronounced by:- Mrs. Vinay Singh, Member (Legal)

Briefly stated facts of the case are that the complainant applied for new electricity connection but the respondent rejected his application for new connection.

It is also his submission that he applied for new electricity connection under NX category for a load of 1 KW but respondent company rejected his application for new connection on account of ownership dispute/court case. He further submitted that he is already having one domestic connection in his name

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Which was energized on 13.08.2021 vide CA no. 153402669 on the basis of the same property documents which he produced for grant of new NX connection. Therefore, he requested the Forum to direct respondent for release of the new electricity connection.

Notices were issued to both the parties to appear before Forum on 11.11.2021.

The respondent company submitted their reply stating that complainant applied for new electricity connection vide request no. 8005064188 dated 06.08.2021 at ground floor of property bearing no. C-131, GF, Kh.No. 796, Plot no. 3, Amar Colony, East Gokal Pur, Delhi-110094. It is submitted that during TF it was found that the premises was electrified and one electricity meter installed in first week of August 2021 in the name of Yogesh Kumar after that a complaint was received on 12.08.2021 regarding ownership dispute from Sh. Neeraj Rathi, along with some old property documents copy and court case papers. The objector Sh. Neeraj Rathi submitted that a police complaint has been filed in the concerned police station against Sh. Yogesh Kumar and other u/s 420/467/471 IPC and also informed that a civil suit is pending in Karkardooma Court, Delhi. Hence, due to property dispute on applied premises the application for new connection was rejected and the deficiency letter was issued on dated 13.09.2021.

Respondent also submitted that as per Regulation 10 & 11 of DERC (Supply Code and Performance Standards) Regulations 2017 pertains to grant of new electricity connection.

The matter was listed for hearing on 11.11.2021, when complainant was present and respondent submitted that one domestic connection has already been released in the month of August 2021, but due to the civil court case pending in

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Karkardooma Court, the second connection was refused to the complainant. Further, respondent submitted that the complainant is also party in the civil case. The respondent was directed to file all the documents in respect of the Civil Suit in which applicant/complainant is also party.

The matter was finally heard on 24.11.2021, when both the parties were present and directed to file written submissions within two working days. Counsel of the complainant was also directed to file his Vakalatnama. Arguments heard and matter was reserved for orders.

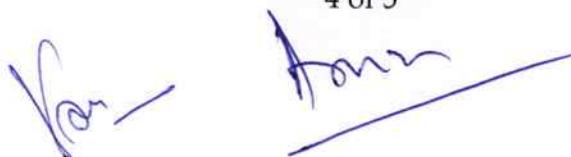
As per the orders of the forum the counsel of the complainant submitted his Vakalatnama along with his written arguments/submissions submitted therein that the property belongs to Yogesh Kumar and he has every right for the electricity connection, and while the respondent has released one domestic connection in the month of August 2021 and why not releasing the commercial connection in the same property.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we find as under:

- The present complaint, the respondent has released one domestic connection at the said property in the first week of August 2021, in the name of the complainant. Till the releasing of the connection no complaint was pending before the respondent. The first complaint was received by the respondent from Neeraj Rathi on 12.08.2021.
- The complainant has lodged a complaint before the CGRF for releasing the commercial connection on dated 28.09.2021. The first date of hearing was 11.11.2021 on the day of hearing the respondent submitted that there is one civil suit no. 417/21 is pending in the Court of ADJ, 02 Karkardooma Court, Shahdara, Delhi.

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- As direction given to the respondent, respondent has submitted a copy of plaint, the suit for possession, declaration and permanent injunction and recovery of amount. In the present suit it is pertinent to mention here that the complainant Yogesh Kumar is also a defendant no. 9 and a party of the suit.
- It is again very important aspect that the dispute between the parties is of the same property bearing no. C-131, measuring area 105 sq. yards, Kh. No. 423, East Gokul Puri, Harijan Basti, Shahdara, Delhi-110094 and the property documents submitted by the complainant and the copy of the plaint submitted by the respondent, it is apparent that the property is the same which is disputed. As para 6 of the plaint, it clarifies that all the defendants are the party of the above referred suit, as per para 11, the complainant of the present case in CGRF is also a party in the said suit in Karkardooma Court. In this para, the defendant no. 9 (the complainant) is shown himself or claiming himself as a purchaser of the above said property which is in dispute.
- The wife of Neeraj Rathi, Ms. Arti, lodged one FIR no. 0291 under section 323/341/506/34 of dated 26.06.2021 regarding encroachment of the same property as above mentioned, when Neeraj Rathi came to know about the encroachment and reached the location beaten by all the defendants as referred in the suit.
- Sh. Neeraj Rathi moved one application for not releasing the connection on dated 12.08.2021 of the same property to the respondent because one civil suit is pending regarding grabbing of the property.
- The complainant has every right to move an application before the same concerned Court for releasing the electricity by moving an application because the complainant is a party to the suit.



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As per Regulation 13 (1) of CGRF Regulations 2018, which is narrated 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 above, we are of considered opinion that one Civil Suit is pending before the Karkardooma Court, between the same parties and the same property, which is disputed. So, this Forum has no jurisdiction to entertain the present case as per above stated Regulation 13 (1) of CGRF Regulations 2018.

The case is disposed off as above.

No order as to the cost. A copy of this order be sent to both the parties and file be consigned to record room thereafter.

The order is issued under the seal of CGRF.



(VINAY SINGH)
MEMBER (LAW)



(ARUN P SINGH)
CHAIRMAN