



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. 1100498652
Complaint No. 117/2021

In the matter of:

Mohd Saleem QureshiComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

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

Appearance:

1. Mohd. Saleem Qureshi, Complainant
2. Mr. Imran Siddiqi, Mr. Sanjeev Valecha, Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 01st December, 2021

Date of Order: 03rd December, 2021

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

Briefly stated facts of the case are that respondent removed the earlier installed meter and now refusing to install new meter.

It is also his submission that he is co-owner and in possession of property no. 7656, Gali Sheikh Wali, Quresh Nagar, Delhi and the possession of the said property was taken by him as per order dated 20.12.2019 passed by Sh. Puneet Pahwa, ARC (C) Delhi in case no. E-803/14/99. Already a meter was installed

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in the said property in the name of Abdul Qayyam vide CA No. 100397229. After taking possession of the said property on 20.12.2019, his shifting was delayed due to Covid-19 pandemic. He further submitted that he visited the said property on 12.07.2021 and the electricity connection installed was found missing. On enquiry he was told that BSES team removed from its place.

He visited the office of the respondent for installation of new electricity connection but he was asked to clear bill amounting to Rs. 80950/-. The said dues are of the tenants of the property. He apprised the respondent about the facts and requested them to ask for the dues from the tenants and grant him a new electricity connection. Therefore, he requested the Forum to direct the respondent for release of new electricity connection without asking him to clear pending dues of earlier installed connection.

Notices were issued to both the parties to appear before Forum on 17.11.2021.

The respondent company submitted their reply stating therein that issue involved in the complaint is electrification of property bearing no. 7656, Gali Sheikh, Delhi-110006 which was earlier electrified through CA No. 100397229 registered in the name of Mr. Abdul Qayyum and CA No. 100361048 registered in the name of Mohd. Zakir, both connections were for domestic purpose. Complainant has no locus-standii to file the present complainant as he claims to be co-owner and in possession of subject property. He also claims that decree was passed in case no. E-803/2014/99 and in execution of said decree he is in his capacity as one of the co-owners took the possession of the said property on 12.03.2020. Complainant alleged that while the said eviction petition was pending, his father Mr. Ehsan Elahi i.e. petitioner no. 1 in the petition, corresponded with BSES-YPL in respect of electricity connection which was in the name of Mr. Abdul Wahid and was later transferred in the name of Mohd. Zakir s/o Mr. Abdul Hamid having CA no. 100361048.


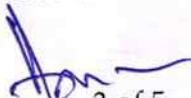
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The outstanding dues of Rs. 40772/- pertaining to said electricity connection were transferred to CA No. 100397229 registered in the name of Mr. Abdul Qayyum in March 2019. In June 2019 the said dues were cleared or to say the dues in respect of electricity connection registered in the name of Mohd. Zakir stands cleared and noting is outstanding in respect thereof. The connection in the name of Mohd Qayyum was not a subject matter of litigation anywhere and on the said connection registered in the name of Mohd Qayyum outstanding dues of Rs. 81,077.48/- pertaining to CA No. 100413203 registered in the name of Sh. Gayasuddin at 7657, Gali Sheikh Kallu Wali, Quasab Pura, Delhi-6 were transferred on 14.01.2020, on account of illegal extension. The connection in the name of Gayasuddin was disconnected on 11.03.2018 due to non-payment of dues of Rs. 81,077.48/-.

Respondent also submitted that regarding possession of subject property as allegedly taken by him on 12.03.2020, it is submitted that no document in respect thereof is filed.

The respondent submitted additional reply stating therein that complainant field present complaint claiming that decree was passed in case no. E-803/2014/99 and in execution of the said decree he is in capacity as one of the co-owners took the possession of the said property on 12.03.2020. In respect of thereof it is submitted that the execution petition bearing no. EX-382/2020 and Misc RC ARC 34/2020 are pending for 23.12.2021 and 29.11.2021 respectively in the court of Learned ARC Central, Tiz Hazari Courts.

Respondent further added that Mohd Aslam s/o Zikra Elahi i.e. one of the petitioner in the eviction petition claiming himself to be resident of subject property has filed an application for intervention claiming that he is the co-owner and that he took the possession of the subject property on 12.03.2020 from tenant Mr. Abdul Hamid and that he is ready to clear the outstanding electricity dues. Thus electricity dues of the respondent are not in issue and or dispute.



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In view of the fact that the complainant is admittedly only one of the co-owners and that there is dispute as to who is in possession of the subject property and perhaps this is a reason for execution and miscellaneous application pending between the co-owners, the present complaint is not maintainable is liable to be dismissed.



The matter was listed for hearing on 17.11.2021, when respondent filed reply. Respondent submitted before the Forum that complainant is not the consumer and eviction had been decided in which complainant not a party is. Mohd. Aslam, counsel was present and wanted to become a party in the present complaint. He was advised to file a separate application to become a party in the present complaint. He also submitted that the execution application is pending before the court of law and fixed for 29.11.2021.

The matter was again heard on 01.12.2021, when counsel of Mohd. Aslam moved an application to become party in the case. The application was allowed. It was also submitted that execution application is pending before Mr. Manoj Kumar, Hon'ble Rent Controller. Arguments heard and matter was reserved for orders.

We have gone through the submissions made by both the parties. From the narration of facts and material placed before us we are of considered opinion that the subjected matter is sub-judice for execution before Mr. Manoj Kumar, Hon'ble Rent Controller. As per Regulation 13 (1) of CGRF Regulations 2018 which is reproduced 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 the above, we are of considered opinion, that the matter is Sub-judice before Mr. Manoj Kumar, Hon'ble Rent Controller, Tis Hazari, Delhi in respect of possession of same property, so this Forum is not entitled to entertain this complaint as per 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

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