



C A No. Applied for
Complaint No. RA 17/2023

In the matter of:

NadeemComplainant

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:

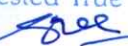
1. Ms. Ritu Gupta, Mr. R.S. Bisht, Ms. Shweta Bist & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 12th October, 2023
Date of Order: 18th October, 2023

Order Pronounced By:- Mr. Nishat A Alvi, Member (CRM)

1. Present review under Regulation 19 of DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018 has been filed by OP against order passed by this Forum, in CG no. 216/2023 on 31.08.2023. Ground for review OP states that there is an error apparent on the face of the record. As per Para 6 of the review application ".....

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CGRF (BYPL)

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It seems the error occurred on account of the fact the fourth floor is also referred as effective fifth floor. With due respect it is stated that fourth floor is effective fifth floor as there is Ground Floor as well.

Thus:-

- a) Ground floor is effective first floor,
- b) First floor is effective second floor,
- c) Second floor is effective third floor,
- d) Third floor is effective fourth floor and
- e) Fourth floor is effective fifth floor

As the applied portion on effective fifth floor is already electrified as such no new connection can be granted.

Error shown in the order is shown in the observation of this Forum in last three lines of this Para 6 of the impugned order i.e. and applied premises being effective fifth floor, objection of existence of connections on fourth floor is no more in dispute."

As per Para 5 review application this Forum inadvertently allowed the complaint in spite of the fact that admittedly the fourth floor is duly electrified by way of two electricity connections for two dwelling units existing on fourth floor as detailed in Para 3 of the impugned order.

In this connection this theory of actual and effective floor is the creation of OP itself as in Para-7 of its own reply of the complaint OP states " besides the same as applicant has applied for new connection at fourth floor which is effective fifth floor as such architect certificate is required."



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As per this reply OP itself considering complainant's premises at fifth floor. Not only this Para-3 of OP's reply specifically states the premises being G+5 as per its visit report. It is in the light of OP's version itself the complaint is allowed considering applied premises on fifth floor.

Thus there is no mistake or error apparent on the face of record.

However, in case the Forum erred in concluding the applied premises at fifth floor this is a matter of appeal and is not covered under the ground of mistake or error apparent on the face of record, as per Regulation 19 of DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018.

Hence the review, being devoid of merit as per Regulation concerned, is not maintainable and is accordingly, dismissed.


(NISHAT A ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


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


(P.K. SINGH)
CHAIRMAN

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