



C A No. Applied For  
Complaint No. 390/2023

In the matter of:

Radha .....Complainant

VERSUS

BSES Yamuna Power Limited .....Respondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmad 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. Imran Siddiqui, Counsel of the complainant
2. Mr. R.S. Bisht, Ms. Shweta Chaudhary & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 16<sup>th</sup> January, 2024  
Date of Order: 17<sup>th</sup> January, 2024

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Smt. Radha, against BYPL-LNR.

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2. The brief facts of the case giving rise to this grievance are that complainant Smt. Radha, applied for new electricity connection vide request no. 8006556024 at premises no. H-37, second floor, Laxmi Nagar, Delhi-110092 but respondent rejected her application for new connection on the pretext of pole encroachment and dues at site. It is also her case that already a connection was installed in her premise vide CA No. 150593717 which was disconnected last year. She requested the Forum to direct the respondent for either release of new connection or restoration of her earlier installed connection vide CA no. 150593717.
3. The respondent in reply briefly stated that the complainant is seeking new electricity connection for second floor of premises no. H-37, Laxmi Nagar, Delhi-110092, or in alternate is seeking restoration of an electricity connection bearing CA No. 15093717. OP further added that the complainant applied for new electricity connection vide application no. 8006556024 and same was rejected on account of pole encroachment and same site dues of CA No. 150593717, which is registered in the name of Ms. Renuka for the second floor.
4. OP also added that at the outset present complaint is barred by the Principle of Res Judicata. The same issue with respect to the same subject premises has already been adjudicated upon in C.G. No. 190/2023 titled as Gautam Kumar Verma Vs. BSES, wherein Hon'ble Forum vide its final order dated 28.07.2023 had dismissed the said complaint and observed that "the requirement of minimum distance of pole encroachment as per Safety Regulations 2010 is not fulfilled" and it was further held that "no new connection can be granted unless and until the distance of pole with applied premises is maintained as per the Safety Regulations, 2010 and outstanding dues are paid off." Admittedly no appeal was filed against the said order and as such has attained finality.

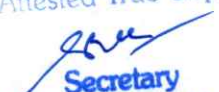
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Secretary  
CGRF (BYPL)

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5. Counsel of the complainant in its rejoinder admitted that fact that previously a case in name of Gautam Kumar Vs BSES has also been disposed by this Forum and complainant cannot again raise the same issue before the Forum, but respondent has failed to mention before the forum that they had restored the electricity supply of disconnected connection bearing CA No. 150659687, in the same building of the complainant in the month of September 2023.
6. OP stated that as per Regulation 60 & 61 of the Central Electricity Authority (Measures relating to safety and Electric Supply) Regulations 2010 clearly stipulates the following minimum horizontal and vertical clearance mandatorily required to be maintained from the electricity mains/installations for any building/structures, balconies/verandas/roof/chajjas where an extra High Voltage/High Voltage or Medium/low voltage line passes above or adjacent to such building or part of a building to avoid any electrical accident. They have issued the complainant notice under this section. OP further stated that the objection of the counsel of the complainant regarding restoration of electricity supply against CA No. 150689687, the same connection is restored, it is not a new electricity connection which they have released and as per DERC Regulations 2017, for re-connection the complainant does not has to fulfill the requirement of new connection, he has to apply for re-connection within six months from the date of disconnection.
7. Arguments of both the parties were heard at length.
8. This matter has already been decided by this Forum and as per DELHI ELECTRICITY REGULATORY COMMISSION (Forum for Redressal of Grievances of the Consumers and Ombudsman) REGULATIONS, 2018, sub-regulation 13. Limitation of Jurisdiction of the Forum

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(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. Therefore, this Forum shall not entertain the present complaint afresh, and the complaint is dismissed in view of the aforesaid rule.

ORDER

The complaint is rejected. OP has rightly rejected the application of the complainant for new connection. Regarding the re-connection of the earlier installed connection vide CA no. 150593717, same connection has become dormant and as per DERC Regulations 2017, the complainant has to fulfill new connection formalities for re-connection of supply.

Regarding the other objection of the complainant, that OP has re-connected the supply of another connection in the same premises, this issue should be forwarded to the CEO (BYPL) and if it deemed fit to the matter should be forwarded to Vigilance Department for enquiry.

The case is dismissed as above.

No order as to the cost. Both the parties should be informed accordingly. Proceedings closed.

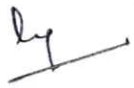
  
(S.R. KHAN)  
MEMBER-TECH

  
(NISHAT AHMAD ALVI)  
MEMBER-CRM

  
(P.K.SINGH)  
CHAIRMAN

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Secretary  
CGRF (BYPL)

  
(P.K.AGRAWAL)  
MEMBER-LEGAL

  
(H.S. SOHAL)  
MEMBER