



C A No. Applied For
Complaint No. 454/2023

In the matter of:

Rohit BansalComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

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. Neeraj Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Ms. Chhavi Rani & Ms. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 29th February, 2024
Date of Order: 01st March, 2024

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

1. This complaint has been filed by Sh. Rohit Bansal, against BYPL-G.T. Road. The brief facts of the case giving rise to this grievance are that complainant Sh. Rohit Bansal, applied for restoration of electricity connection against CA No. 154037765 at premises no. 520/1 &2, GF, Dilshad Garden, Industrial Area, Delhi-110095.

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It is further submitted that the connection in question was released on 27.01.2023 at premises no. 520/1&2, GF, Dilshad Garden Industrial Area, Delhi-110095. He was regularly paying all the monthly bills but in November 2023, his connection was disconnected without any notice and any reason and rhyme.

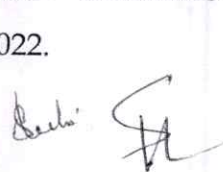
2. The respondent in reply briefly stated that the complainant is seeking restoration of electricity connection bearing CA No. 154037763 installed at property bearing no. 520/1&2, GF, Dilshad Garden, Industrial Area, Delhi. The connection whose against restoration is sought was disconnected on 12.09.2023. OP further added that earlier complainant filed one complaint bearing CG no. 219/22 and applied for fresh electricity connection wherein respondent raised the issue of MCD objection letter but the Learned Forum vide its order dated 09.01.2023 asked respondent to release the connection as in the MCD objection list there was no specific reference of subject property.

While the said matter was pending OP on account of lack of communication between the two departments could not place on record MCD letter no. EE(B)-I.Sh-N/2022/D-268 dated 09.09.2022, wherein there was reference of demolition drive in respect of premises including subject premises. The said demolition drive is carried out by MCD in order to curb the mushroom growth of unauthorized construction in Delhi. Immediately, respondent issued disconnection notice to the complainant on 02.08.2023.

In respect of different part of same property i.e. property bearing no. 520/5, earlier one complaint was filed titled as Shyam Sunder Dua Vs BYPL bearing complaint no. 127/2023. The said complaint was dismissed by Forum vide order dated 10.05.2023 in terms of aforementioned MCD letter dated 09.09.2022.

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Against the said order dated 10.05.2023 of the Forum (complaint no. 127/2023), the complainant filed appeal before Learned Ombudsman. In that appeal (appeal no. 24/2023), appellant raised the issue as to how connection could be released to Rohit Bansal during January, 2023, when the premises were in the MCD objection list dated 09.09.2022. ON 01.09.2023 order was passed by Learned Ombudsman in which Learned Ombudsman directed respondent to disconnect the electricity connection registered in the name of Rohit Bansal.

Learned Ombudsman, ordered, that this court has heard the contentions of both the parties gone through their replies, rejoinders etc. and have perused the relevant rules regulations and therefore, direct as under:

- a) In the light of unauthorized construction noted by the MCD in their letter dated 09.09.2022 and resultant disconnection, the appeal is dismissed as devoid of merit, and the order of the CGRF is upheld.
- b) The connection released in favour of Rohit Bansal needs to be disconnected forthwith since he has failed to respond to the notice dated 02.08.2023 issued by the Discom within the stipulated time.
- c) CEO of the DISCOM may in consultation with IT cell evolve a robust mechanism for keeping complete information about any consumer/address at one place by integrating all information received from any government agencies such as MCD, DDA, Police, etc. To avoid allegation of pick and choose as in the instant case, the up gradation of information should be on a regular basis and in a time bound manner so that the retrieval should become perfect and suitable log be created in the system against official retrieving it. It would bring accountability and transparency in the system.

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- d) A vigilance enquiry be also ordered to fix responsibility and ascertain the circumstances in which complete information on Rohit Bansal was not shared by the DISCOM with the CGRF-BYPL.
3. Arguments of both the parties were heard at length. Since no party has filed the response (rejection letter) of BSES towards the application of complainant for restoration, it is not clear whether the complainant has suppressed the fact of Ombudsman order dated 01.09.2023 or the BSES has failed to respond to the restoration application properly.
4. This matter has already been decided by this Forum and the Ombudsman. As 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

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.



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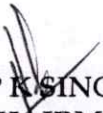
ORDER


The complaint is rejected. OP should comply with the directions of the Ombudsman promptly and should ensure to present all facts related to the complaint before this Forum diligently.

The case is dismissed off as above.


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

Proceedings closed.


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH

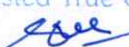

(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM

on leave
(H.S. SOHAL)
MEMBER

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CGRF (BYPL)