



C A No. Applied for
Complaint No. RA 18/2023

In the matter of:

Sasmita JainComplainant

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)
5. Mr. H.S. Sohal, Member

Appearance:

1. Ms. Ritu Gupta & Ms. Shweta Chaudhary, On behalf of BYPL

ORDER

Date of Hearing: 05th December, 2023



Date of Order: 06th December, 2023

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

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. 221/2023 on 10.10.2023. Ground for review OP states that there is an error apparent on the face of the record. As per Para 5 of the review application ".....

Attested True Copy

Secretary
CGRF (BYPL)

Complaint No. RA 18/2023

It is submitted that Hon'ble Forum vide its final order stated that the respondent raised objection of the MCD booking but did not object to the same during the arguments.

"In reply OP raised objection of the MCD booking but have not objected same during the arguments."

This Forum can review the orders under Regulation 19 of the Delhi Electricity Regulatory Commission (Forum for Redressal of Grievances of the Consumers and Ombudsman) Regulations, 2018 which stipulates as follows:-

Power to Review

(1) Any person may file an application for review before the Forum, upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or on account of some mistake or error apparent from the face of the record, within thirty (30) days of the date of the order, as the case may be.

An application for such review shall clearly state the matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the order was passed or the mistake or error apparent from the face of the record. The application shall be accompanied by such documents, supporting data and statements as the Forum may determine. (3) When it appears to the Forum that there is no sufficient ground for review, the Forum shall reject such review application:

Attested True Copy


Secretary
CGRF (BYPL)

Complaint No. RA 18/2023

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

(4) When the Forum is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the order, the review of which is applied for.

Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of this jurisdiction under Order 47 rule 1 CPC it is not permissible for an erroneous decision to be 'reheard and corrected'. A review petition, it must be remembered has a limited purpose and cannot be allowed to be 'an appeal in disguise'".
[emphasis added]

We have perused the reply submitted by OP, in para 3 of their reply OP has stated "subject property bearing no. 603 and 612 is a big property which is sub-divided into various plots. Applied plot no. 12 is not mentioned in the various list received by BSES-YPL....".

In the above mentioned para OP itself has clearly stated that applied plot no. 12 is not mentioned in the various lists received by BSES.

3 of 4





Complaint No. RA 18/2023


In view of this fact it was mentioned in the para 5 of the judgment that OP has not objected during the arguments.


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


(P.K. SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K. AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

4 of 4

Attested True Copy


Secretary
CGRF (BYPL)