

OFFICE OF ELECTRICITY OMBUDSMAN

(A Statutory Body of Govt. of NCT of Delhi under the Electricity Act of 2003)

B-53, Paschimi Marg, Vasant Vihar, New Delhi-110057

(Phone No.: 011-26144979, E.mail: elect_ombudsman@yahoo.com)

Review Petition in Appeal No.08/2026

IN THE MATTER OF

Smt. Narayani Devi

Vs.

BSES Yamuna Power Ltd.

Present:

Petitioner: Shri Dharampal Solanki, spouse, alongwith Shri Manish Solanki, son, on behalf of the Appellant.

Respondent: Shri Ravinder Singh Bisht, DGM (Legal), Shri Abhishek Tyagi, Manager, Ms Monika Sharma, Legal Retainer, Shri Ashok Kumar & Shri Rahul Saini, Advocates, on behalf of BYPL

Date of Hearing: 21.07.2026

Date of Order: 22.07.2026

ORDER

1. A petition dated 29.06.2026 has been filed by Smt. Narayani Devi, W/o Shri Dharam Pal Solanki, R/o House No. 21-B/1, Khasra No.126/2, Near Ram Chander Market, Rajpur Extension, New Delhi - 110068, under the DERC Regulations, 2024 read with Section 114 and Order XLVII Rule 1 of the Code of Civil Procedure, 1908, seeking a review of the order dated 12.06.2026 passed in the matter of Smt. Narayani Devi vs. BYPL (Appeal No. 08/2026).

2. In the said review petition, the applicant has submitted that the findings recorded in Paragraph 13 and the conclusions drawn in Paragraph 14 of the order dated 12.06.2026 are required reconsideration on the following grounds:

- (i) Failure to consider the earlier connection of Shri D.P. Solanki which was disconnected without prior notice as well as any opportunity of hearing.



- (ii) Non-production/ non-traceability of records,
 - (iii) Existence of CA records ignored,
 - (iv) Non-consideration of Joint Inspection Report,
 - (v) Non-consideration of admission made by the BYPL regarding installation of adjoining meters/connections
 - (vi) Misapplication of Judgement dated 06.02.2020 passed by the Delhi High Court in the matter of Ms. Azra vs. State (GNCT of Delhi) regarding the principle of negative parity.
 - (vii) Contradiction between paragraph 13 (d) and Paragraph 14 of the impugned order.
 - (viii) Non-speaking and incomplete findings
 - (ix) Non-disclosure of distinguishing factors,
 - (x) Humanitarian considerations ignored,
 - (xi) Failure to adjudicate specific issues
3. She has prayed to,
- (i) Review/reconsideration of the impugned order dated 12.06.2026.
 - (ii) Re-examine the findings recorded in Paragraphs 13 (A), 13 (D) and 14 and the material issues left undecided in the impugned order in the light of the material facts and submissions placed on record.
 - (iii) Direct the BYPL to produce complete records relating to the earlier connection, including consumer history, meter history, billing records, inspection reports and disconnection records;
 - (iv) Consider the legal effect of the Joint Inspection Report and the admissions made by BSES before the CGRF regarding adjoining electricity connections.
 - (v) Pass such further order(s) as may be deemed fit and proper in the facts and circumstances of the case.



- (vi) Consider the humanitarian circumstances of the Petitioners, particularly the advanced age and medical condition of Smt. Narayani Devi, and examine the feasibility of restoration/revival of the earlier electricity connection upon payment of any lawful charges or dues as may be determined by the Respondent.
- (vii) Examine whether the Petitioners' case can be considered on the basis of earlier electricity connection that admittedly existed at the premises, independently of the issue relating to adjoining premises.

4. The review petition was admitted on 08.07.2026.

5. The Respondent, in its written submission dated 18.07.2026 received through e-mail dated 20.07.2026 to the review petition, refuted all the allegations raised by the Appellant. Respondent raised several preliminary objections to argue that the review petition is not maintainable. Respondent contended that the order dated 12.06.2026 is final and binding under Regulation 64, meaning a review petition cannot be used as an instrument to reopen and re-argue a concluded appeal. Additionally, the Discom argued that adding Shri D.P. Solanki as Review Petitioner No. 2 at this stage constitutes an impermissible and non-maintainable alteration of the array of parties. On the merits of the case, the Respondent asserted that the legality of the 2009 disconnection was never part of the dispute before the CGRF or during the Appeal; therefore, the alleged omission to decide an issue that never arose cannot be considered an error apparent on the face of the record. Furthermore, Respondent clarified that its alleged admission regarding adjoining meters concerned third-party connections released years ago under different circumstances, which does not grant the Review Petitioners a right to a fresh connection that violates prevailing mandatory safety norms. Furthermore, Respondent emphasized that it is bound by law and safety regulations that cannot be relaxed for humanitarian considerations, concluding that public safety must prevail.

6. Regulation 67 of DERC (Guidelines for Establishment of the Forum and the Ombudsman for Redressal of Grievances of Electricity Consumers) Regulations, 2024, provides for a power with Ombudsman to review any order in conformity with the Principles laid down in Section 114/Order 47 Rule I of CPC.

7. Under Section 114 Code of Civil Procedure (CPC) read with order u/s 47 CPC provisions exist for a review of the judgement, which states as under:



“(1) Any person considering himself aggrieved – (a) by a decree or Order from which an appeal is allowed, but from which no appeal has been preferred, (b) by a decree or Order from which no appeal is allowed, or (c) by a decision on a reference from a Court of Small Causes, and who, from 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 decree was passed or Order made, or on account of some mistake or error apparent on the face of the record for any other sufficient reason, desires to obtain a review of the decree passed or Order made against him, may apply for a review of judgement to the Court which passed the decree or made the Order.”

Accordingly, the review is maintainable only on two grounds:

- i) Discovery of new and important matter which after due diligence was not within the knowledge or could not be produced at the time of hearing or
- ii) On account of some mistake or error apparent on the face of record or for any other sufficient reasons.

8. The review petition was taken up for hearing on 21.07.2026. During the hearing, both parties were present. An opportunity was given to both the parties to plead their respective case at length. Relevant questions were also asked by the Ombudsman, Advisor (Engineering) & Secretary, to elicit more information on the issue.

9. During hearing, representatives appearing on behalf of the Appellant reiterated the contention for the purpose of review, core grounds for review, in detail, and relief sought for in the review petition.

10. In rebuttal, the Advocate appearing for the Respondent, restated the counter-arguments mentioned in the written submission to the review petition.

11. It was emphasized by the Ombudsman that any review petition is limited only on two grounds, i) any error apparent on the face of record, ii) discovery of any new material, which after due diligence could not be produced by the applicant before passing the order dated 12.06.2026. In accordance with the provisions of Regulation 67 supra as a person aggrieved by the order earlier passed, an opportunity has been provided to the applicant to make her submissions in accordance with the law.



12. Law is settled that Review Petition cannot be used as appeal in disguise. While examining the scope of review the Supreme Court has settled the law as under:

- a. In *Col. Avatar Singh Sekhon v. Union of India and Others* [10 1980 Supp SCC 562],

".....A review of a judgement is a serious step and reluctant resort to it is proper only where a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. .. The present stage is not a virgin ground but review of an earlier order which has the formal feature of finality."

- b. In *Parsion Devi and Others v. Sumitri Devi and Others* [12 (1997) 8 SCC 715],

"9. 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.'"

- c. In *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma* [15 (1979) 4 SCC 389].....

"3.....The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."



13. The review petitioner does not bring on record any error apparent on the face of record or the discovery of any new and important matter or evidence which could not be produced by the Appellant before passing the order dated 12.06.2026, despite due diligence, as may warrant a review of the decision taken by the Ombudsman.

14. Therefore, in the absence of any new material submitted by the applicant or any error apparent on the face of record, the review petition is dismissed as devoid of merits.



Electricity Ombudsman
22.07.2026